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ABSTRACT

The rules and regulations governing Texas schools' treatment of the language and academic needs of limited-English-proficient (LEP) public school students are reviewed. First, a historical overview of the state's laws and regulations governing programs for the LEP population is presented. Second, the state's language and academic assessment process of LEP students is explained, including provisions for identification, classification, placement, exit, and reclassification. Through this assessment process, the instructional needs in a special language program can be determined. Third, program descriptions illustrate how Texas public schools have addressed students' different levels of language and academic abilities in disciplines such as language arts, science, social studies, and mathematics. Finally, the state's direction on changes to current and pending legislation that will affect LEP students is highlighted. Appended materials include the texts of the Texas State Board of Education's October 1985 rules on bilingual education and other special language programs, a list of approved tests for special language programs, and the information summary for the Texas Academic Skills Program Test. (MSE)

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Texas: Current Practices in Assessing Language and Content Instruction

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Texas: Current Practices in Assessing Language and Content Instruction

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Introduction. Teachers often ask, "How can I teach the student who does not speak English?" Each day more teachers are being asked to specialize in teaching the limited English proficient student. This student comes to the classroom with English language difficulties that are due to a language other than English being spoken or heard in the home.

In recent years public schools across the nation and Texas have experienced an increase in the number of students who come from homes where a language other than English is spoken or heard. National statistics have shown that 1.5 million to 2.4 million school children between ages 5 and 14 years are limited English proficient (O'Malley, 1982). In 1987 the public school enrollment for Texas schools was approximately 3.2 million students of which approximately 880,000 (36 percent) were identified as linguistically different students. Thirty-one percent of that student population in grades prekindergarten through twelve were identified as limited English proficient. Another view of the data indicates that more than 80 percent of Texas public schools identified at least one limited English proficient student.

These statistics are indicators of the growing challenge for teachers to educate those students who do not speak the language of the school. This diverse student population includes not only students from different linguistic groups (for example, Spanish, Vietnamese, Cambodian, Laotian, Arabic, German), but also students from diverse cultural and socioeconomic backgrounds.

The demand for quality educational programs for these students with "special needs" continues to grow. Regular classroom teachers must address the increasing demands of their instructional time and resources as well as their limited expertise on teaching in the area of limited English proficiency.

English as a second language teachers, in addition to meeting the needs of their students, are also responsible for supporting and advising their students' other teachers. These students not only must learn the content of the school curriculum, they must also learn to communicate in the language of the school and the society, if they are to participate fully in either.

The intention of this document is to assist educators in addressing the language and academic needs of limited English proficient students by recognizing the rules and regulations governing Texas public schools. First, a historical overview of the state's laws and regulations governing programs for limited English proficient students will be presented. Second, the state's language and academic assessment process for the identification, classification, placement, exit, and reclassification of limited English proficient students will be explained. Through this assessment process, the instructional needs in a special language program can be determined. Third, program descriptions will illustrate how Texas public schools have addressed students' different levels of language and academic abilities in disciplines such as language arts, science, social studies, and mathematics. And last, the state's direction on changes to current and pending legislation that will affect limited English proficient students will be highlighted.

Historical Overview. In 1973 the 63rd Legislature established a state policy to assist public schools in the education of limited English proficient students. This state policy reads in part, "English is the basic language of the state of Texas. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language...." (TEC 21.451).

The 63rd Legislature recognized that there are students attending Texas public schools who speak languages other than English and need assistance in learning English. The legislature further acknowledged that mastery of the English language is a prerequisite for effective participation in the state's educational programs. Consequently, to ensure that these students are provided an effective instructional program, a process to identify limited English proficient students must be addressed. The 1973 bilingual education mandate established for grades 1 to 3 a process and criteria for the identification, classification, and placement of students. This student was identified as having limited English speaking ability.

Language proficiency in this mandate was defined in terms of oral/aural performance rather than academic performance.

Shortly thereafter, experts in the field of second language learning were selected to form a Test Review Committee. This committee reviewed oral language proficiency tests in both English and Spanish and generated a list of state approved tests for identifying students of limited English speaking ability. Students who were identified as having limited English speaking ability were to be automatically placed in the bilingual education program. No provisions were made for parents to appeal this placement.

The 67th Legislature in 1981 included grades kindergarten to twelve, adopted the term "limited English proficient", and expanded the definition to require evaluation of the student's reading and writing skills. This change was significant because all dimensions of language learning were addressed in the identification of students needing special language assistance. A second Test Review Committee selected standardized achievement tests in English in light of this new requirement. The list of state approved tests now included both oral language proficiency tests and standardized achievement tests. The committee also identified Spanish achievement tests to evaluate student performance as part of program evaluation.

An additional change affecting instruction was the requirement for bilingual education programs to include state adopted textbooks for the content areas. English as a second language (ESL) was also mandated to become a part of the textbook adoption process.

Both bilingual education and English as a second language programs must use the mandated statewide prekindergarten to twelfth grade curriculum including the state criterion referenced test, Texas Educational Assessment of Minimum Skills (TEAMS). All curricular aspects of the educational reform have impacted the programs designed for limited English proficient students, in particular Chapter 75 Rules for Curriculum (TEA, Fall 1987). Educational guidelines are also mandated for prekindergarten, bilingual summer school programs, and alternatives to social promotions. These guidelines have significantly affected the education of limited English proficient students.

To ensure quality instruction for limited English proficient students, the State Board of Education in

October 1985, amended the 19 TAC Chapter 77 Rules for Bilingual Education and Other Special Language Programs (Attachment 1) to reflect the curriculum reforms. These rules provided additional criteria for public schools to identify limited English proficient students in grades prekindergarten to twelve. This review process currently requires both English language and academic assessment using the list of state approved tests on English oral language proficiency and standardized achievement tests. Mastery of the state's curriculum objectives (essential elements) and mastery of the state's TEAMS are also an integral part of the assessment criteria. The use of other data is suggested when additional data is needed.

Language and Academic Assessment. Public schools in Texas are governed by the state's laws and regulations for educating limited English proficient students. When a student registers in school for the first time, the parent is given a home language survey to complete. The parent must answer two questions: l)"What language is spoken in your home most of the time?" and 2) "What language does your child speak most of the time?" (19 TAC 77.354). When a parent answers "another language" to either question, the student assessment process begins. The Language Proficiency Assessment Committee reviews the test results and other assessment information to determine limited English or English proficiency. Placement of limited English proficient students must take place within 4 weeks of enrollment. This process includes the review by the Language Proficiency Asessment Committee and parent notification and approval.

The test results reviewed are from an oral language proficiency and a standardized achievement test selected from the state's list of approved tests for special language programs. This list is annually reviewed by the Texas Education Agency. As of July 1988, the list of tests has 9 oral language proficiency tests, 17 English standardized achievement tests, and 6 Spanish achievement tests (Attachment 2). After test selection, a trained test administrator will first administer the oral language proficiency test in English to students in grades prekindergarten to twelve and then administer a standardized achievement test to students in grades 2 to 12.

For students in grades prekindergarten to one whose scores on the oral language proficiency test indicate limited English proficiency, placement in a special language program is recommended (bilingual education or English as a second language education). Although the state rules require that an oral language proficiency

assessment be administered to these students, local policy can add other assessments as needed. For students in grades 2 to 12, both an English oral language proficiency test and a standardized achievement test are required for assessing reading and language. Limited English proficiency would then be determined by the selection criteria on the oral language proficiency test as well as standardized achievement percentile scores in reading and language from the following percentile groups(19 TAC 77.355): 1) A student with scores above 40 percentile in both reading and language would be English proficient; 2) A student who scored below the 23 percentile in either reading or language would be limited English proficient; 3) and for a student who scored between 23 percentile and 40 percentile in either category, other forms of assessment must be considered such as mastery on the state's testing program (TEAMS) and the state's common curriculum.

The TEAMS, a criterion referenced test, specifically correlates to the state's curriculum objectives (essential elements) to measure minimum skills in reading, writing, and mathematics at grades 1, 3, 5, 7, 9, 11 based on determined levels of mastery at each level. For limited English proficient students in bilingual education programs, a Spanish version of the TEAMS in grades 1 and 3 is available for assessing a student's academic performance. An exemption from TEAMS administration can be given to limited English proficient students as determined by the Language Proficiency Asssessment Committee. Further, passage of the 11th grade TEAMS is required for students who wish to receive a high school diploma for graduation.

Mastery of the state's curriculum for each content area is assessed according to a 70 to 100 point scale. A score below 70 is considered a failure. The assessment data collected on oral language and academic language proficiency provides the public school with information for determining classification as limited English proficient.

Following the assessment, members of the Language Proficiency Assessment Committee at the district and/or campus level collect all the available data on the student to determine the student's classification as limited English proficient or English proficient. At this time, the Language Proficiency Assessment Committee classifies the student's level of language proficiency as a beginner, intermediate, or near proficient speaker of English (TEA,1986). This classification is based on initial identification. Upon classification, parental permission is sought for placement in the district's special language program.

Two special language programs are available for limited English proficient students. The district would offer a bilingual education program at the elementary level when 20 or more limited English proficient students in one language are identified in one grade level. An English as a second language program is offered to limited English proficient students when less than 20 students in one language are identified in one grade level at the elementary or secondary level. Upon parental approval, placement into the designated special language program is made. For parental denials, the district's obligation is to serve the student in a regular classroom.

The Language Proficiency Assessment Committee monitors limited English proficient students annually. The criteria used to determine progress is the same used for identification. If program exit is prescribed, students are then classified as English proficient and monitored annually for two years with the same criteria and attention to academic performance. Students may be reclassified when academic progress is not evident.

Programs and Assessment. Secondary English as a second language programs in Texas address the educational needs of limited English proficient students by focusing on all aspects of language learning and the need for different language program options. Success on meeting the needs of limited English proficient students can be accomplished by developing curriculum and materials, by using a variety of instructional methodologies, by training teachers and administrators, by identifying specific course selections, and by developing valid and reliable assessment procedures. In planning program options, the state guidelines direct middle schools, grades 6 to 8, with promotion/course requirements and at high schools, grades 9 to12, with graduation credit requirements. Two advantages are apparent for those public schools that implement program options and modify instructional methodologies as supported by current laws and regulations. First, the state's common curriculum directs public schools to modify in each course the method of instruction, pacing, and materials to teach students at their instructional level (19 TAC 75.1-170). Further direction is given to districts to assess limited English proficient students in a manner so that the student can demonstrate content mastery either through oral and/or written means or in the primary language (19 TAC 75.170). Second, the rules governing special language programs mention that English as a second language instruction must be implemented daily for a minimum of one period to total immersion (19 TAC 77.353). These rules also provide public schools with flexibility to implement an alternative educational program when the required program is not

deemed successful for the student (19 TAC 77.356). Other rules can be cited to support districts toward the implementation of an extended program for limited English proficient students.

Public schools have initiated program options for limited English proficient students in the form of modified English language programs. Some public schools with large numbers of limited English proficient students with multi-levels and multi-languages, especially with beginning speakers of English, have designed language programs using a variety of English and/or transitional bilingual education approaches. The modified English programs use English as a second language trained or endorsed and content area certified teachers to teach English to beginning speakers of English from one period to total immersion daily. The transitional bilingual education programs use bilingual endorsed and content area certified teachers for a program designed to use the student's primary language as a vehicle for instruction.

The following six public schools have implemented modified English language programs for limited English proficient students. The uniqueness of each program is described along with the use of English as a second language methodologies, curriculum, course selections, staffing patterns, and assessment sources.

Program Descriptions.

1. District: Austin Independent School District (Rodriguez, 1988)

Program A: Transitional Bilingual Education/Literacy Program
Description: Transitional Bilingual Education/Literacy Program is a self-contained middle school program in which students are taught by a bilingual teacher who has an endorsement in bilingual education or ESL. This teacher teaches ESL, reading, computer-assisted instruction (ESL, content areas, and high interest topics) and conversational English which consists of citizenship and survival skills. In addition to the one teacher assigned to the program, another teacher teaches reading and social studies. Class enrollment is a maximum of 25 students in grades 7 and 8. Daily schedule includes seven 55 minute periods with courses such as conversational English, ESL, reading, mathematics, science, computer-assisted instruction, and social studies. All courses use ESL methods such as cooperative learning and the natural approach, plus the use of hand-ons and high interest activities. After one year, students are evaluated for placement in Program B.

Program B: Transitional Bilingual Education
Description: Transitional Bilingual Education Program offers a middle school program for Hispanic and Vietnamese students taught by content area and language arts certified teachers, who also hold a bilingual endorsement. Students in this program follow the regular curriculum and are grouped according to grade level. Students are taught in English with Spanish or Vietnamese used whenever necessary to give instructions or to clarify concepts. Courses included at grade 7 are ESL, reading, mathematics, science, Texas history , computer literacy, physical education, and an elective. In grade 8, the same courses are offered except American history replaces Texas history. At the end of one year, students are evaluated for transfer to Program C.

Program C: Sheltered Bilingual Education Program
Description: Sheltered Biliingual Education Program at the high school level serves students from Program B who are mainstreamed for most or part of the school day. Students are assigned courses with teachers who have had special training or support the continued language development of the students. Students continue in an intensive ESL class or in a language arts class taught by an ESL endorsed teacher. At the end of the school year, students are evaluated for placement in Program D.

Program D: ESL Program
Description: The ESL Program serves students in grades 6 to 12 who attend mainstream classes throughout the day and attend one ESL class with an ESL endorsed and certified teacher. This program is provided for all nonEnglish and limited English proficient students from all language backgrounds. At the end of the school year, student progress is assessed for continued placement or exit from the program into a regular English curriculum.

Assessment: Student progress is evaluated by using the Language Assessment Battery oral language proficiency test, California Achievement Test or Iowa Test of Basic Skills, mastery of course objectives by using informal teacher inventories and modified unit tests, and TEAMS. Tests from the New Horizons instructional materials assess student's progress at each level.

2. District: Brownsville Independent School District

Program: Sheltered English Program
Description: Sheltered English Program is designed for students beginning in grades 4 to 6 who have been previously served in a bilingual education program for at least 4 years and are below the 23 pecentile on the standardized achievement test. Sheltered content area courses such as mathematics, science, social studies, and reading are taught. ESL methods such as the natural approach, total physical response, and cooperative learning are used in each course. Other methods are language experience and wordbanks. Teachers are elementary certified with an ESL or bilingual education endorsement. Seven bilingual coordinators are assigned to designated campuses to monitor and assist teachers after weekly inservice training on thematic units. Plans are in progress to implement an intensive language program at grades 9 to12 with the use of primary language proficient tutors for the content areas of science, mathematics, and reading.

Assessment: Student progress is evaluated by using the Language Assessment Scales-Oral test, California Test of Basic Skills, mastery of course objectives by using informal teacher inventories and teacher-made test, and TEAMS.

3. District: El Paso Independent School District

Program: High Intensity Language Training Program
Description: High Intensity Language Training Program was developed in January 1982 as a high intensity English as a second language training curriculum to prepare limited English proficient students for participation in regular content area courses. The program's intention is an effort to reduce the dropout rate and promote academic success among Hispanics. The program identifies four levels of instruction as beginning, intermediate, advanced, and transitional. Two curriculum plans are designed: one for students who had attended school for six or more years in their native countries, and one for students who have less than six years of schooling. Each program level represents one semester in grades 9 to 12 and one school year in grades 7 and 8. Course enrollment limitations are set at 8 to 12 students in beginning courses,15 to 20 students in intermediate courses, and regular class size in advanced and transitional courses. Sheltered content area courses are mathematics, social studies, science, and reading in the program at each level.

Assessment: Student progress is evaluated by using oral language proficiency tests, standardized achievement test, mastery of course objectives by using informal teacher inventories and modified unit tests, and TEAMS.

4. District: Fort Worth Independent School District

Program: Fort Worth Language Center
Description: Fort Worth Language Center began in 1983 and offers intensive instruction in English and in social studies to limited English proficient students from grades 6 to12 in five middle schools and three high schools. The program's intention is to increase the students' English language proficiency level by developing communication and social skills to compete academically in a less sheltered school curriculum. The program serves students identified as nonEnglish or recent immigrant. One sheltered social studies course and three ESL courses are offered which include an ESL for basic literacy, ESL Lab for oral/aural skills, and reading. Class enrollment is held to 15 students. Select high schools offer a sheltered mathematics and/or science course depending on qualified staff and student need. After two or three years in the program, students transfer to a less sheltered ESL program.

Assessment: Students are evaluated in the spring for reclassification or continued placement. Student progress is evaluated by using the Langauge Assessment Scales-Oral, the Iowa Test of Basic Skills (middle school) or the Test of Academic Proficiency (high school), mastery of course objectives by using reading inventories and holistic writing, and TEAMS. Minimal formal evaluation data is available as based on standardized achievement test results.

5. District: Richardson Independent School District

Program: Sheltered English Program
Description: Sheltered English Program, in grades 7 to 12, targets the beginning and no previous schooling speakers of English for the 50 or more languages identified. Class enrollment is limited to 15 students for all courses. At grades 7 and 8, the content areas are English, science, social studies, and reading. At grades 9 to12, two high schools offer the content areas of world geography, government, and reading. All courses are offered via a sheltered ESL approach with a modified course curriculum taught by content area certified and trained ESL teachers at the neighborhood campus.

Assessment: Students are assessed in the spring for recommendations for regular classes or continued placement. Student progress is evaluated by using the Language Assessment Scales-Oral, Iowa Test of Basic Skills, mastery of course objectives by using teacher made tests and modified textbook unit tests, and TEAMS. Minimal formal evaluation data is available as based on standardized achievement test results.

6. District: Spring Branch Independent School District

Program A: English Language Institute
Description: English Language Institute is implemented at the middle school and buses students to a magnet campus for three periods a day. Students are identified as beginning or no previous schooling English speakers. For students with no previous schooling, workshop courses are offered in mathematics for local credit at four levels of literacy. For all students, courses in ESL and language are offered. Teachers are ESL endorsed and content area certified. Students remain in this program until they reach an advanced level and can remain at the home campus for advanced ESL and correlated language arts courses. At the end of the year, students are evaluated for continued placement.

Program B: English Language Institute
Description: English Language Institute, at the high school, buses students to one campus and offers language arts and mathematics for 3 periods. Courses are taught by certified content area teachers with ESL endorsements. Mathematics courses offered include fundamentals of mathematics, prealgebra, and algebra. For students with no previous schooling, workshop courses are offered in mathematics for local credit at four levels of literacy. Students remain in this program until they reach an advanced level and can remain at the home campus for advanced ESL and correlated language arts courses. At the end of the year, students are evaluated for continued placement.

Assessment: Students are assessed in the spring semester for recommendations for regular classes or continued placement. Student progress is evaluated by using the IPT IDEA oral language proficiency test , The 3 R's Test, Achievement Edition or Iowa Test of Basic Skills, mastery of course objectives by using teacher informal inventories and a proficiency test at each level, and TEAMS.

These descriptions of modified English language programs show the efforts of Texas public schools to address the needs of limited English proficient students. Content area and English as a second language specialists have combined expertise on content and language learning to ensure mastery of course objectives. The assessment of student performance in language and content objectives was accomplished by using the state minimum requirements, frequent monitoring of progress, and grouping of students for entry level instruction. Other data used are classroom observations, teacher inventories, and interviews between teacher and student. These public schools' willingness to encourage cooperative efforts between teachers, administrators, parents, and students can be viewed in

these programs as a process of joint planning and decision making.

Pending Legislation. Additional legislative changes are planned to correspond with the State Board of Education's commitment and long range goals for educating all students (TEA, January 1987). Two legislative changes that focus on student assessment have been recommended for implementation by 1990. One change affects the revision of the TEAMS test from a criterion referenced examination to a normed referenced examination. A second legislative change that will affect students entering colleges and universities will begin in the fall of 1989. These students will have to pass a basic skills test, Texas Academic Skills Program, prior to taking upper division courses beyond the accumulation of sixty semester credit hours (Attachment 3). The test is being developed in a cooperative effort between the Texas Higher Education Coordinating Board and the Texas Education Agency. The testing program and the results will impact limited English proficient students since the skills tested will be those taught prior to a student's arrival on a college or university campus. Further, the law requires that the test results be reported to the high school from which a student graduated and that remediation occurs for students who did not pass the test.

Recommendations made by the State Board of Education for the 1989 Legislative session which will impact limited English proficient students are in two priority areas: quality education for students at risk and educational equity. First, in the quality education for students at risk, the recommendations are to eliminate grade 1 TEAMS testing and to require assessment of student achievement in social studies and science at similar grade levels. Second, in educational equity, an increase in the bilingual education allocation from .10 ($30 million) to .26 ($90 million) is recommended. The impact of these changes would emphasize the importance of content area instruction combined with additional financial support for instruction of limited English proficient students.

Conclusion. As Texas grows both in size and diversity and as the second most populous state in the nation, a projected enrollment of approximately 3.5 million students is forecast. The language minority enrollment is projected to increase 16 percent. A substantial percentage of these students will be identifed as limited

English proficient. Further, the current dropout rate for Hispanics is 45 percent. Consequently, the reality is that language minority students are not disappearing but neither are they staying in school.

The legislature has provided the direction and policy for educating limited English proficient students. The State Board of Education has adopted the necessary rules to provide quality education. The Texas Education Agency is working to ensure proper identification of educational needs of the limited English proficient students. Public schools must continue to obtain valid data, to plan appropriate instructional programs and to provide effective education for growing numbers of limited English proficient students. As educators join in collaborative efforts to effectively educate limited English proficient students, English proficiency will continue to be the direction toward educating our students for tomorrow.

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Attachment 1

Texas Education Agency

1701 NORTH CONGRESS AVENUE AUSTIN, TEXAS 78701-1494 (512) 463-9734

November 12, 1985

TO THE ADMINISTRATOR ADDRESSED

Subject: Rules Adopted by the State Board of Education, October 1985 - Bilingual Education and Other Special Language Programs

Attached is a copy of 19 TAC Chapter 77, Subchapter R, as adopted by the State Board of Education in October 1985.

These rules are similar to those adopted on an emergency basis in July 1985 and which were sent to you on August 3, 1985, with the following important changes:

- Sections 77.351(b) and 77.353(b) have been reworded to clarify that LEP students may be instructed in the essential curriculum elements in the native language and/or English, in accordance with the rules, and may demonstrate mastery of the essential curriculum elements in the native language and/or in English.

- Section 77.352(b)(3), concerning requests for approval to offer an alternative program, requires districts to give assurance that qualified personnel available in the district will be assigned to grade levels beginning at Pre-kindergarten, followed by subsequent grades through the elementary grades, to ensure continuity of instruction for LEP students.

- All references to English-dominant LEP students have been deleted. Rather than try to define the English-dominant LEP student in the rules, the agency will develop time and treatment guidelines for use of the native language and English for students with varying degrees of fluency in each.

Questions about these rules should be addressed to the Division of Bilingual Education Programs at (512) 463-9067 or the Division of Bilingual Education Compliance at (512) 463-9340.

Sincerely,

W. N. Kirby
Commissioner of Education

Subchapter R,
Bilingual Education and
Other Special Language Programs

§77.351 Policy.

Statutory Citation

Texas Education Code §21.451:

"State Policy. English is the basic language of the State of Texas. Public schools are responsible for providing full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. The legislature finds that there are large numbers of students in the state who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of these students. The legislature recognizes that the mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. The legislature believes that bilingual education and special language programs can meet the needs of these students and facilitate their integration into the regular school curriculum. Therefore, pursuant to the policy of the state to insure equal educational opportunity to every student, and in recognition of the educational needs of students of limited English proficiency, it is the purpose of this subchapter to provide for the establishment of bilingual education and special language programs in the public schools and to provide supplemental financial assistance to help local school districts meet the extra costs of the program."

Senate Bill 477 §2, Acts of the 67th Legislature, Regular Session 1981:

"Bilingual education or special language programs as defined by this act shall be taught in the public schools only for the purpose of assisting the learning ability of limited English proficiency students and to enhance the English language."

Rule

(a) It is the policy of the State Board of Education that every student in the state who has a home language other than English and who is identified as limited English proficient shall be provided a full opportunity to participate in a special language program. Each school district shall be responsible for identifying limited English proficient students based on criteria established by the State Board of Education, for providing special language programs which include modified methods of instruction, including dual language and English as a second language as integral parts of the

regular program, and for actively seeking qualified teaching personnel, to ensure that limited English proficient students are afforded full opportunity for learning the essential elements required by Chapter 75 of this title (relating to Curriculum).

(b) The goal of bilingual education and other special language programs shall be to enable students of limited English proficiency to become competent in speaking, reading, writing, and comprehending the English language. Such programs shall emphasize the mastery of basic English language skills in order for students to be able to participate effectively in the regular program as soon as practicable. Limited English proficient students shall be provided a well-balanced curriculum and shall be instructed in the essential elements in the native language and/or English in accordance with this subchapter.

(c) Bilingual education and other special language programs shall be integral parts of the total school program. Such programs shall use instructional methodologies designed to meet the special needs of limited English proficient students. The basic curriculum content of the programs shall be the same as for the regular school program.

§77.352 Required Bilingual Education and Special Language Programs.

Statutory Citation

Texas Education Code §21.453:

"Establishment of bilingual education and special language programs.

"(a) The State Board of Education shall adopt rules establishing a procedure for identifying school districts that are required to offer bilingual education and special language programs in accordance with this subchapter.

"(c) Each school district which has an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual education or special language program.

"(d) Each district that is required to offer bilingual education and special language programs under this section shall offer the following for students of limited English proficiency:

(1) bilingual education in kindergarten through the elementary grades;

(2) bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade eight; and

(3) instruction in English as a second language in grades nine-12.

"(e) If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by the commissioner of education, pursuant to the rules of the State Board of Education.

"(f) An application for an exception may be filed with the commissioner of education when an individual district is unable to hire a sufficient number of endorsed bilingual teachers to staff the required program. The exception must be accompanied by:

(1) documentation showing that the district has taken all reasonable affirmative steps to secure endorsed bilingual teachers and has failed;

(2) documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve limited English proficiency students;

(3) documentation showing that, on the basis of district records, no teacher with a bilingual endorsement or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and

(4) a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.

"(g) An exception shall be granted under subsection (f) of this section on an individual district basis and is valid for only one year. Application for an exception a second or succeeding year must be accompanied by the documentation set forth in subdivisions (1), (2), (3), and (4) of subsection (f) of this section.

"(h) During the period of time for which the school district is granted an exception under subsection (f) of this section, it must use alternative methods approved by the commissioner of education, pursuant to the rules of the State Board of Education, to meet the needs of its students of limited English proficiency such as, but not limited to, the hiring of teaching personnel on a bilingual emergency permit."

Rule

(a) Each school district which has an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual or special language program in accordance with the Texas Education Code §21.453.

(1) Bilingual education, as defined in §77.353 of this title (re-

lating to Program Content; Method of Instruction) shall be offered in kindergarten through those grades designated as "elementary grades" as certified to the Texas Education Agency for the Texas Public School Directory. Such designation shall include at least kindergarten through grade five.

(2) Bilingual education or instruction in English as a second language or other transitional language instruction, as defined in §77.353 of this title (relating to Program Content; Method of Instruction), shall be offered in those grades designated as "post-elementary" in each school district through grade eight.

(3) Instruction in English as a second language shall be offered in grades nine through 12.

(b) Districts which are unable to offer bilingual education as required by subsection (a)(1) of this section shall request approval from the commissioner of education to offer an alternative program. Such approval shall be effective for one school year only. The request for approval for an alternative program shall be submitted at a date to be determined by the commissioner of education and shall include the following:

(1) a statement of the reasons why the district is unable to offer bilingual education, with supporting documentation;

(2) a description of the proposed alternative programs to meet the language needs of the district's limited English proficient students, as well as the provision of the essential elements required by Chapter 75 of this title (relating to Curriculum); and

(3) a description of the actions the district will take to ensure that the program required under subsection (a) of this section will be provided the subsequent year, and shall include assurance that qualified personnel available in the district will be assigned to grade levels beginning at pre-kindergarten, followed by subsequent grades through the elementary grades.

(c) Districts shall ensure that the alternative program addresses §77.353(c)(3) and (c)(5) of this title (relating to Program Content; Method of Instruction).

(d) The commissioner of education may authorize the establishment of a bilingual education program in districts not required to provide such a program under subsection (a) of this section. Districts wishing to establish such a program shall request authorization from the commissioner of education.

(e) School districts not required to provide a bilingual education or other special language program under Texas Education Code, §21.453, shall provide an English as a second language program to all students of limited English proficiency in grades kindergarten through 12. Such English as a second language programs shall be provided in accordance with the requirements in this subchapter.

(f) The commissioner of education shall be authorized to consider hardship cases in school districts required to provide an English as a second language program but which are unable to recruit an adequate number of English as a second language certified teachers. The same criteria in subsections (a) through (e) of this section shall apply in such instances.

§77.353 Program Content; Method of Instruction.

Statutory Citation

Texas Education Code §21.454:

"(a) The bilingual education program established by a school district shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students of limited English proficiency who are enrolled in the program and that provides for carefully structured and sequenced mastery of English language skills. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

"(b) The program of instruction in English as a second language established by a school district shall be a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

"(c) In subjects such as art, music, and physical education, students of limited English proficiency shall participate fully with English-speaking students in regular classes provided in the subjects.

"(d) Elective courses included in the curriculum may be taught in a language other than English.

"(e) Each school district shall insure to students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities."

Rule

(a) Each school district required to offer a bilingual education or

special language program shall provide each limited English proficient student the opportunity to be enrolled in the required program at his or her grade level.

(b) Districts shall design instruction in bilingual education and special language programs by modifying methods, pacing, materials, and/or language of instruction to ensure that limited English proficient students have a full opportunity to master the essential elements of the required curriculum. Students participating in the bilingual education and special language programs may demonstrate their mastery of the essential elements in either the primary language or English.

(c) Bilingual education programs provided under this subchapter shall be full-time programs of dual-language instruction including the six components in this subsection.

(1) Basic concepts starting the student in the school environment shall be taught in the student's primary language.

(2) Basic skills of comprehending, speaking, reading, and writing shall be developed in the student's primary language. This component shall provide for a carefully structured and sequenced mastery of the essential elements in language arts in the primary language.

(3) Basic skills of comprehending, speaking, reading, and writing shall be developed in the English language using English as a second language methods. This component shall provide for a carefully structured and sequenced mastery of the essential elements in language arts in the English language.

(4) Subject matter and concepts shall be taught in the student's primary language. This component shall provide for mastery of the essential elements established for mathematics, science, and social studies.

(5) Subject matter and concepts shall be taught in the English language using English as a second language methods. This component shall provide for mastery of the essential elements established for mathematics, science, and social studies.

(6) Attention shall be given to instilling in the student confidence, self-assurance, and a positive identity with his or her cultural heritage. This component shall be an integral part of the total curriculum and not a separate subject. It shall address the history and cultural heritage of the student's primary language and the history and culture of the United States.

(d) Limited English proficient students shall be placed in an appropriate curriculum sequence to ensure that students are challenged to perform at a level commensurate with their ability. For Spanish-speaking limited English proficiency students, districts shall use the most appropriate state-adopted Spanish texts in a modified instructional design as well as other curriculum adaptations which may be developed by districts. For limited English proficiency students who speak languages other than Spanish, districts shall use the most appropriate text and/or materials available. The time and treatment accorded in the two languages shall be based on the student's proficiency in both languages to ensure mastery of the essential elements required in each of the components of the bilingual education program pursuant to time and treatment guidelines developed by the Central Education Agency. The amount of time dedicated to teaching each subject shall be that required in §75.141 of this title (relating to Description of a Well-Balanced Elementary Curriculum) and §75.142 of this title (relating to Description of a Well-Balanced Secondary Curriculum).

(e) In subjects such as art, music, and physical education, the limited English proficient students shall participate fully with their English-speaking peers in regular classes provided in the subjects. The district shall ensure that students enrolled in the bilingual education and English as a second language programs have a meaningful opportunity to participate fully with other students in all extracurricular activities, subject to the provision of §97.113 of this title (relating to Student Absences for Extracurricular or Other Activities).

(f) English as a second language programs provided under this subchapter shall be intensive programs of instruction with the purpose of developing competence in English. The district shall offer a developmental sequence of English instruction in the four language skills--listening, speaking, reading, and writing. The most appropriate level of the state-adopted English as a second language systems shall be used in the modified instructional design. The district shall ensure that planning and coordination occur between the English as a second language teacher and those who may have the student for other subject areas to ensure that in all programs student mastery of the essential elements is the focus of instruction.

(g) In districts not required to provide a bilingual education program, the time allocations required for English as a second language shall be in accordance with this subsection.

(1) Time allocations for the elementary grades shall be from a minimum of one period daily to total immersion for the entire day, as described in §75.141(c)-(e) of this title (relating to Description of a Well-Balanced Elementary Curriculum).

(2) Time allocations for grades seven and eight shall be as described in §75.142(b)(5) and (9) of this title (relating to Description of a Well-Balanced Secondary Curriculum).

(3) Time allocations for grades nine-12 shall be as described in §75.151 of this title (relating to High School Graduation Requirements).

(4) For all grade levels, the time allotted to each student for English as a second language instruction shall be based on the English language proficiency of the student pursuant to time and treatment guidelines developed by the Central Education Agency. Such instruction may vary from a minimum of one class period to total immersion for the entire day. English as a second language methodology will constitute a modified instructional program for limited English proficient students as required by §75.4 of this title (relating to Special Populations and Programs).

(5) Two of the four units in English required for high school graduation may be in English as a second language. After a student has earned credit for two units of English as a second language, further required instruction in English as a second language may be provided in correlated language arts classes by endorsed English as a second language teachers. English as a second language methodologies may also be provided in any of the courses or electives required for graduation, to assist the limited English proficient student with the mastering of the essential elements for such subjects. The use of English as a second language methodologies in a modified instructional design shall not impede the awarding of credit in such subjects toward meeting graduation requirements.

(h) Bilingual education and English as a second language programs are transitional; therefore, program content must be such as to develop students' cognitive ability and mastery of the essential elements to the extent necessary to allow:

(1) transfer of language arts skills developed in the primary language to English; and

(2) mastery of essential elements in the English language in mathematics, science, and social studies for their grade level at the time of reclassification as not limited English proficient.

§77.354 Home Language Survey.

Statutory Citation

Texas Education Code §21.455: 29

"(a) (1) Results of a home language survey conducted within four weeks

of each student's enrollment in order to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if in kindergarten through grade eight or by the student if in grades nine through 12, and kept in the student's permanent folder by the language proficiency assessment committee."

Rule

(a) Districts shall conduct a home language survey for each student new to the district and for students previously enrolled who were not surveyed in the past. Districts shall require that the survey be signed by the student's parent or guardian for students in grades kindergarten-eight or the student in grades nine-12. The survey shall be kept with each student's permanent record.

(b) The survey shall be printed in English and the home language of the student and shall contain the following questions:

(1) "What language is spoken in your home most of the time?"

(2) "What language does your child (do you) speak most of the time?"

(c) Additional information may be collected by the district and recorded on the home language survey. The district shall contact the parent or guardian if necessary in order to complete the survey within 10 days from date of enrollment. The identification and placement of each limited English proficient student shall be completed within four weeks of the student's enrollment. The commissioner of education may distribute to each district sample forms to assist districts in the identification and assessment of limited English proficient students.

(d) The survey shall be used to identify and classify students who normally use a language other than English in pre-kindergarten-grade 12. An answer of a language other than English to either or both of the required questions identifies the student for language proficiency assessment as described in §77.356 of this title (relating to Testing and Classification of Students).

§77.355 Language Proficiency Assessment Committee.

Statutory Citation

Texas Education Code §21.462:

"(a) The State Board of Education by rule shall require districts that are required to offer bilingual education and special language programs to establish a language proficiency assessment committee.

"(b) Each committee shall be composed of members including but not limited to a professional bilingual educator, professional transitional language educator, a parent of a limited English proficiency student, and a campus administrator.

"(c) The language proficiency assessment committee shall:

(1) review all pertinent information on limited English proficiency students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;

(2) make recommendations concerning the most appropriate placement for the educational advancement of the limited English proficiency student after the elementary grades;

(3) review each limited English proficiency student's progress at the end of the school year in order to determine future appropriate placement;

(4) monitor the progress of students formerly classified as limited English proficiency who have exited from the bilingual education or special language program and, based on the information, designate the most appropriate placement for the student; and

(5) determine the appropriateness of an extended program (beyond the regular school) depending on the needs of each limited English proficiency student.

"(d) The State Board of Education by rule may prescribe additional duties for language proficiency assessment committees."

Rule

(a) Districts required to establish a bilingual education program under this subchapter shall by local board policy establish and operate a Language Proficiency Assessment Committee. Districts not required to establish a bilingual education program under this subchapter shall designate one or more professional personnel to carry out the duties assigned to the committee under this subchapter.

(b) A district shall establish a sufficient number of language proficiency assessment committees to enable them to discharge their duties within the required four week period for placement. The district shall be responsible for orientation and training of all members of the committee(s).

(c) The language proficiency assessment committee shall consist of the following:

(1) a campus administrator;

(2) one appropriately certified teacher assigned to the bilingual education program;

(3) one appropriately certified teacher assigned to an English as a second language program; and

(4) the parent of a limited English proficient student.

(d) If the district does not have an individual in one or more of the school job classifications listed in subsection (c) of this section, the district shall select another professional staff member to serve on the language proficiency assessment committee. The district shall have discretion to add members to the committee.

(e) All members of the Language Proficiency Assessment Committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students.

(f) The responsibility of the Language Proficiency Assessment Committee shall be to review all pertinent information on all students who have a language other than Engish for the purpose of identification, placement, and reclassification of limited English proficient students in grades prekindergarten-12 based upon the criteria in §77.356 of this title (relating to Testing and Classification of Students). The committee shall perform the following functions:

(1) designate limited English proficiency status for all students in grades two-12 whose ability in English is so limited that the English written proficiency tests cannot be administered;

(2) designate limited English proficiency status for all students in grades prekindergarten-12 who score below the cut-off criteria on the agency-approved English language proficiency test;

(3) designate limited English proficiency status for all students (grades two-12) who score below the 23rd percentile on either the reading or language arts subtests of an agency-approved achievement test;

(4) determine whether or not the student is limited English proficient based on an oral English language proficiency test score in grades two-12 which is above the levels designated for indicating limited English proficiency and a score between the 23rd and the 40th percentile on the written standardized

test. The Language Proficiency Assessment Committee shall also consider the following factors in making such determination:

(A) written recommendation and observation by current and previous teachers;

(B) nonmastery of the essential elements;

(C) nonmastery of the Texas Educational Assessment of Minimum Skills (TEAMS);

(D) grades from the current or previous years;

(E) written or oral recommendation of the parent concerning program placement;

(F) criterion-referenced test results and progress on continuum of skills or informal assessment measures; and

(G) student interview;

(5) designate as English proficient all students scoring above the 40th percentile on both the reading and language arts subtests of an agency-approved achievement test; and

(6) review, at the discretion of the committee, other data in addition to oral language proficiency tests for students in prekindergarten-grade one who have no other academic records.

(g) For each student exited from the bilingual program, the committee shall conduct follow-up studies for two years. The committee shall document that it has reviewed achievement and criterion-referenced test scores, grades in all subjects or courses, written and oral teachers' evaluations, parental opinion, and other information as appropriate, during the two-year period following the date of exit. For those students who are not demonstrating mastery of the grade level essential elements in the all-English curriculum, the committee shall prescribe participation in compensatory education, bilingual education, English as a second language, or other program that addresses the needs of the student.

(h) The actual placement of a student into a program as defined in §77.353 of this title (relating to Program Content; Method of Instruction) shall be done in accordance with §77.360 of this title (relating to Parental Authority and Responsibility).

(i) Documentation for all actions impacting the student with a language other than English, such as parent notification, evidence of parents' informed approval or denial prior to entering or exiting a limited English proficient student from the required program, shall be reflected in each student's permanent record folder.

§77.356 Testing and Classification of Students.

Statutory Citation

Texas Education Code §21.453:

"(a) The State Board of Education by rule shall adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The parent must be notified of a student's entry into the program, exit from the program, or placement within the program. A student's entry into the program or placement within the program must be approved by the student's parents. The local school district may appeal the decision under §21.463 of this code. The criteria may include, but are not limited to, the following:

(1) results of a home language survey conducted within four weeks of each student's enrollment in order to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if in kindergarten through grade eight or by the student if in grades nine through 12, and kept in the student's permanent folder by the language proficiency assessment committee;

(2) the results of an agency-approved English language proficiency test administered to all students identified through the home survey as normally speaking a language other than English to determine the level of English language proficiency, with students in kindergarten or grade one being administered an oral English proficiency test and students in grades two through 12 being administered an oral and written English proficiency test; and

(3) the results of an agency-approved proficiency test in the primary language administered to all students identified under subdivision (2) of this subsection as being of limited English proficiency to determine the level of primary language proficiency, with students in kindergarten or grade one being administered an oral primary language proficiency test and students in grades two through 12 being administered an oral and written primary language proficiency test.

"(b) Tests under subsection (a) of this section should be administered by professionals or paraprofessionals with the appropriate English and primary language skills and the training required by the test publisher.

"(c) The language proficiency assessment committee may classify a student as limited English proficiency if one or more of the following criteria are met:

(1) the student's ability in English is so limited or the student is so handicapped that assessment procedures cannot be administered;

(2) the student's score or relative degree of achievement on the agency-approved English proficiency test is below the levels established by the agency as indicative of reasonable proficiency;

(3) the student's primary language proficiency score as measured by an agency-approved test is greater than his proficiency in English; or

(4) the language proficiency assessment committee determines, based on other information such as (but not limited to) teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than his proficiency in English or that the student is not reasonably proficient in English.

"(e) All records obtained under this section may be retained by the language proficiency assessment committee for documentation purposes.

"(h) A school district may transfer a student of limited English proficiency out of a bilingual education or special language program if the student is able to participate equally in a regular all-English instructional program as determined by:

(1) tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in both the student's primary language and English;

(2) an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the agency; and

(3) other indications of a student's overall progress as determined by, but not limited to, criterion-referenced test scores, subjective teacher evaluation, and parental evaluation.

"(i) If later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement, the language proficiency

assessment committee may reenroll the student in the program. Classification of students for reenrollment must be based on the criteria required by this section."

Texas Education Code §21.452:

"(3) 'Students of limited English proficiency' means students whose primary language is other than English and whose English language skills are such that the students have difficulty performing ordinary classwork in English."

Texas Education Code §21.453:

"(b) Within the first four weeks following the first day of school, the language proficiency assessment committee established under §21.462 shall determine and report to the governing board of the school district the number of students of limited English proficiency on each campus and shall classify them according to the language in which they possess primary proficiency. The governing board shall report that information to the agency before the first day of November each year."

Rule

(a) Districts shall administer an English oral language proficiency test to each student in grades pre-kindergarten-12 who has a language other than English as identified on the home language survey. Districts shall select one or more of the tests approved by the State Board of Education. In districts required to offer a bilingual program, the Spanish version of the oral language proficiency tests selected by the district shall also be administered in pre-kindergarten through the elementary grades to students whose home language is Spanish and who are limited English proficient. An English-speaking professional or paraprofessional trained in language proficiency testing shall administer the English version of the test. A Spanish-speaking professional or paraprofessional trained in language proficiency testing shall administer the Spanish version of the test. For languages other than Spanish, informal oral assessment measures in the home language shall be used. The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by the State Board of Education. The commissioner of education shall review the approved list of tests, grade levels, and scores at least annually and shall recommend changes to the board.

(b) Districts shall administer the English reading and English language arts sections of the standardized achievement test used by the district to each student in grades two-12 who has a home language

other than English as identified on the home language survey. Districts shall use one or more of the tests approved by the State Board of Education. Use of the most recent edition is recommended. For purposes of determining the limited or nonlimited English proficiency of students in grades two-12, districts shall use the criteria specified in subsection (d) of this section. The list of tests shall be reviewed at least annually by the commissioner of education and any needed changes shall be recommended to the board.

(c) Students entering after the fall norming period should be given the language proficiency test within four weeks of enrollment; however, the standardized test should not be administered until the next norming period, usually spring. All students in grades two-12 not assessed with a standardized achievement test shall be further assessed according to criteria listed in subsection (d) of this section.

(d) Districts shall use the criteria in this subsection for classification of students whose primary language is other than English for program entry purposes. A student shall be identified as limited English proficient if criteria listed in paragraphs (1), (2) or (3) of this subsection are met:

(1) Ability in English is so limited that the English written proficiency tests cannot be administered.

(2) The score on the English oral language proficiency test for a student in grades prekindergarten-12 is below the level designated for indicating limited English proficiency in subsection (a) of this section.

(3) The score on either the reading or the English language arts section of the standardized achievement test for a student in grades two-12 is below the 23rd percentile.

(4) If the student's test score on the oral English language proficiency test in grades two-12 is above the levels designated for indicating limited English proficiency and he or she scores between the 23rd and 40th percentile on the written standardized test, the Language Proficiency Assessment Committee shall determine whether or not the student is limited English proficient based on other factors which include the following:

(A) written recommendation and observation by current and previous teachers;

(B) nonmastery of the essential elements in Chapter 75 of this title (relating to Curriculum);

(C) nonmastery of the basic skills tested in the Texas Educational Assessment of Minimum Skills (TEAMS);

(D) grades from the current or previous years;

(E) written or oral recommendation of the parent concerning program placement;

(F) criterion-referenced test results and progress on continuum of skills or informal assessment measures; and

(G) student interview.

(e) Annually, districts shall make available for review by the Language Proficiency Assessment Committee scores of the most current English oral language proficiency test selected from the list approved by the State Board of Education for each limited English proficient student in grades prekindergarten-12 being considered for exiting from bilingual education programs. Districts shall also submit the reading and English language arts test scores on the standardized achievement test used by the district from the list approved by the State Board of Education for each limited English proficient student in grades two-12. The criteria in paragraphs (1) and (2) of this subsection shall be used for reclassification of students for program exit purposes.

(1) The student in grades prekindergarten-one may be classified as English proficient if the district can demonstrate that the student is proficient in the areas of listening, speaking, reading, and writing of the English language and can meet the district's promotion standards applicable to English proficient students.

(2) The student in grades two-12 may be classified as English proficient if his or her score on the reading and English language arts sections of the standardized achievement tests is between the 23rd and the 40th percentile and the Language Proficiency Assessment Committee determines the student has sufficient English proficiency based on mastery in the English language of the essential elements as required by §75.192(a)-(c) of this title (relating to Promotion and Course Credit).

(3) The student in grades two through 12 shall be classified as English proficient if he or she scores at or above the 40th percentile on the reading and English language arts sections of the standardized achievement test.

(f) Students who have been transferred out of the program who are later determined to have inadequate English proficiency and achievement shall be provided a modified instructional design as required by §75.4 of this title (relating to Special Populations and Programs)

and §75.170(c) of this title (relating to School District Policy on Promotion, Retention, Remediation, and Placement).

(g) All records pertaining to testing and classification of students for program participation purposes shall be kept with each student's permanent record or in a campus master file.

§77.357 Eligible Handicapped Students.

Statutory Citation

Texas Education Code §21.455:

"(f) The school district may not refuse instruction in a language other than English to a student solely because the student has a handicapping condition."

Rule

(a) Districts shall identify and serve students eligible for programs provided under this subchapter in accordance with the Texas Education Code, §21.455(f), and Chapter 75 of this title (relating to Curriculum).

(b) Districts shall develop and implement procedures which differentiate between assessment for language proficiency and diagnosis for handicapping conditions.

(c) Districts shall establish procedures to ensure that a student is not refused instruction in a language other than English solely because the student has a handicapping condition. Districts shall ensure that the Language Proficiency Assessment Committee (LPAC) determines if the student is to be classified as limited English proficiency. Districts shall also ensure that the LPAC coordinates with the Admission, Review, and Dismissal (ARD) Committee as required by Chapter 89 Subchapter G of this title (relating to Special Education), in the placement of limited English proficient (LEP) students with a handicapping condition so that the special needs and abilities of these students are addressed.

(d) Districts shall ensure that programs for LEP students with a handicapping condition are coordinated with and are an integral part of the total instructional program.

§77.358 Participation of Non-Limited English Proficiency Students.

Statutory Citation

Texas Education Code §21.455:

"(g) With the approval of the school district and a student's parents, a

student who does not have limited English proficiency may also participate in a bilingual education program. The number of participating students who do not have limited English proficiency may not exceed 40 percent of the students enrolled in the program."

Rule

(a) Districts may enroll students who do not have limited English proficiency in programs offered under this subchapter in accordance with Texas Education Code §21.455(g).

(b) The maximum class size of 22 as required by §77.359 of this title (relating to Facilities; Classes) shall apply to bilingual education and/or English as a second language classrooms with limited English proficient and non-limited English proficient student enrollment.

§77.359 Facilities; Classes.

Statutory Citation

Texas Education Code §21.456:

"(a) Bilingual education and special language programs shall be located in the regular public schools of the district rather than in separate facilities.

"(b) Students enrolled in bilingual education or a special language program shall be placed in classes with other students of approximately the same age and level of educational attainment. The school district shall insure that the instruction given each student is appropriate to his or her level of educational attainment, and the district shall keep adequate records of the educational level and progress of each student enrolled in the program.

"(c) The maximum student-teacher ratio shall be set by the agency and shall reflect the special educational needs of students enrolled in the programs."

Rule

(a) Bilingual education and special language programs shall be located in the regular public schools of the district rather than in separate facilities in accordance with Texas Education Code §21.456.

(b) Students shall be placed in classes in accordance with Texas Education Code §21.456 and given instruction appropriate to their grade level.

(c) In grades prekindergarten through grade two in the 1985-1986 school year and grades three and four in the 1988-1989 school year, districts shall not enroll more than 22 students in a bilingual education or special language class, or other bilingual education and special language program instructional settings. It is recognized that students in these programs need as low a teacher-pupil ratio as possible. This requirement shall not apply during the last 12 weeks of any school year.

(d) On application of a school district, the commissioner of education may exempt a district from the maximum class size limitation if the district is unable to find enough qualified and certified teachers or to provide adequate facilities to accommodate the maximum class size requirements. Such exemption shall be granted by the commissioner on a semester by semester basis in accordance with §105.392 of this title (relating to Student/Teacher Ratios).

(e) On occasion, movement of students within or into the district may cause an individual class on a campus to exceed the maximum class size permitted by law. Districts in which such a situation occurs need not request a waiver provided the class in question does not exceed 24 students, and provided no more than one class at a grade level on any campus is affected.

§77.360 Parental Authority and Responsibility.

Statutory Citation

Texas Education Code §21.452:

"(4) 'Parent' means the parent(s) or legal guardian(s) of the student."

Texas Education Code §21.455(a), (d):

"(a) The State Board of Education by rule shall adopt standardized criteria for the identification, assessment, and classification of students of limited English proficiency eligible for entry into the program or exit from the program. The parent must be notified of a student's entry into the program, exit from the program, or placement within the program. A student's entry into the program or placement within the program must be approved by the student's parents. The local school district may appeal the decision under §21.463 of this code. The criteria may include, but are not limited to, the following:

(1) Results of a home language survey conducted within four weeks of each student's enrollment in order to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if in kindergarten through

grade eight or by the student if in grades nine through 12, and kept in the student's permanent folder by the language proficiency assessment committee.

"(d) Within 10 days after the student's classification as limited English proficiency, the language proficiency assessment committee shall give written notice of the classification to the student's parent. The notice must be in English and the primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program."

Texas Education Code §21.463:

"Appeals. A parent of a student enrolled in a district offering bilingual education or special language programs may appeal to the commissioner of education under §11.13 of this code if the district fails to comply with the requirements of law or the rules of the State Board of Education. If the parent disagrees with the placement of the student in the program, he or she may appeal that decision to the local board of trustees. Appeals shall be in accordance with procedures adopted by the State Board of Education consistent with the appeal of contested cases under the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes)."

Rule

(a) The home language survey conducted in accordance with §77.354 of this title (relating to Home Language Survey) must be signed by the parent of students in kindergarten through grade eight.

(b) The language proficiency assessment committee shall consider the opinion of a student's parent in determining the student's primary language proficiency and English language proficiency.

(c) Within 10 days after a student's classification as limited English proficiency, the language proficiency assessment committee shall give written notice to the student's parent advising that the student has been so classified and requesting approval to place the student in a bilingual education or special language program. In accordance with Texas Education Code §21.455(d), the notice shall include information about the benefits of the bilingual education or special language program and that it is an integral part of the school program. A student's entry into or placement within a bilingual education or special language program must be approved by the student's parent.

(d) In accordance with Texas Education Code §21.455(h), a school district shall obtain the parent's evaluation of a student's progress

and shall consider that evaluation in determining whether a student should be transferred out of a bilingual education or special language program.

(e) Parental approval shall be obtained before a student is reenrolled in a bilingual education or special language program.

(f) The parent of a limited English proficient student shall be appointed to the language proficiency assessment committee.

(g) Parental approval shall be obtained before a student who does not have limited English proficiency is enrolled in a bilingual education program.

(h) The parent of a student enrolled in a district which is required to offer bilingual education or special language programs may appeal to the commissioner of education if the district fails to comply with the law or the rules of the State Board of Education. Appeals shall be filed in accordance with Chapter 157 of this title (relating to Hearings and Appeals).

(i) A parent who disagrees with the placement of a student in a bilingual education or special language program may appeal the decision to the local board of trustees as provided in Texas Education Code §21.463.

§77.361 Staffing and Staff Development.

Statutory Citation

Texas Education Code §21.459:

"(a) The State Board of Education shall promulgate rules and regulations governing the issuance of teaching certificates with bilingual education endorsements to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general requirements set out in Chapter 13 of this code. The State Board of Education shall also promulgate rules and regulations governing the issuance of teaching certificates with an endorsement for teaching English as a second language. The agency may issue emergency endorsements in bilingual education and in teaching English as a second language.

"(b) A teacher assigned to a bilingual education program must be appropriately certified by the agency for bilingual education.

"(c) A teacher assigned to an English as a second language or other special language program must be appropriately certified by the agency for English as a second language.

"(d) The minimum monthly base pay and increments for teaching experience for a bilingual education teacher or a special language program teacher are the same as for a classroom teacher with an equivalent degree under the Texas State Public Education Compensation Plan. The minimum annual salary for a bilingual education teacher or a special language program teacher is the monthly base salary, plus increments, multiplied by 10, 11, or 12, as applicable.

"(e) The district may compensate out of funds appropriated in subsection (a) of §21.460 of this subchapter a bilingual education or special language teacher for participating in a continuing education program which is in addition to the teacher's regular contract. The continuing education program must be designed to gain advanced bilingual education or special language program endorsement or skills.

"(f) The agency shall be authorized to conduct or contract for teacher training for persons in the acquisition of endorsements in English as a second language. The agency shall determine the amount required for the implementation of this subsection.

"(g) The State Board of Education, through the Commission on Standards for the Teaching Profession, and the Coordinating Board, Texas College and University System, shall develop a comprehensive plan for meeting the teacher supply needs created by the programs outlined in this subchapter. The board shall submit a plan, which includes legislative recommendations, to the 68th Legislature in January 1983."

Rule

(a) Teachers assigned to a bilingual education program shall be fully certified teachers with a bilingual certificate or endorsement.

(b) Teachers assigned to an English as a second language program shall be fully certified with an English as a second language or bilingual education certificate or endorsement.

(c) School districts shall take all reasonable affirmative steps to secure certified bilingual education teachers or English as a second language teachers, as appropriate. Districts which are unable to secure certified bilingual education teachers or certified English as a second language teachers, as appropriate, shall request emergency teaching permits or special assignment permits, as appropriate, in accordance with Subchapter N of Chapter 141 of this title (relating to Emergency Teaching Permits, Special Assignment Permits, and Temporary Classroom Assignment Permits).

(d) Districts may compensate bilingual education and special language program teachers for participation in continuing education programs designed to increase their skills or to lead to bilingual or

special language certification in accordance with the Texas Education Code, §21.459(f).

(e) The commissioner of education shall coordinate the development of a comprehensive plan for meeting teacher supply needs in accordance with the Texas Education Code, §21.459(g). The plan shall include provision for the development and phase-in of certification programs and requirements for teachers of English as a second language.

§77.362 Bilingual Education Allotment.

Statutory Citation

Texas Education Code §16.153:

"(a) For each student in average daily attendance in a bilingual education or special language program under Subchapter L, Chapter 21, of this code, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.1.

"(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing bilingual education or special language programs under Subchapter L, Chapter 21, of this code."

Rule

(a) Each school district shall be entitled to an annual allotment as specified in the Texas Education Code, §16.153. This allocation shall be based on the average daily attendance of limited English proficient students during the same eight weeks that attendance is taken for the regular program and calculated on the same four weeks selected as best for the regular program.

(b) A district may use up to 15 percent of these funds for general administrative costs but may not exceed the program's actual share of general administrative costs as calculated in accordance with generally accepted accounting procedures. No less than 85 percent of the district's entitlement shall be used for direct instructional services to students in a bilingual or special language program for purposes such as salaries for classroom teachers, teacher aides, evaluation costs, professional development, testing, materials and supplies, instructional equipment such as cassette tape recorders and language masters, software, and transportation costs, or such other purposes determined appropriate by the commissioner.

(c) Districts may compensate bilingual education and English as a second language program teachers for participation in continuing education programs designed to increase their skills or to lead to

bilingual education or English as a second language certification in accordance with the Texas Education Code, §21.459(f). These programs may be either formal training programs provided by an approved college or university, or special training programs provided by the district. Training may address one or more of the following:

(1) providing the essential elements in a bilingual education or English as a second language program;

(2) methodology for providing a bilingual education or English as a second language program; or

(3) development of proficiency in a language used in the district's bilingual education program.

(d) Districts shall request tentative entitlements for bilingual education and English as a second language funds on a form provided by the commissioner of education. A year-end report on program expenditures shall be submitted in accordance with guidelines developed by the commissioner of education.

§77.363 Preschool, Summer School, and Extended Time Programs.

Statutory Citation

Texas Education Code §21.458:

"A school district may establish on a full- or part-time basis preschool, summer school, extended day, or extended week bilingual education or special language programs for students of limited English proficiency and may join with other districts in establishing the programs. The preschool or summer programs shall not be a substitute for programs required to be provided during the regular school year."

Rule

(a) A district may operate a preschool, summer school, and extended time program for limited English proficient students for the purpose of improving the students' proficiency in English. Districts have the option to provide bilingual education, English as a second language, and other types of program at any grade level. Such programs shall not substitute for bilingual education or English as a second language programs required to be provided during the regular school year.

(b) Preschool programs may be operated during the regular school year or during the summer on a part-time or full-time basis. Such programs shall be for children who will be eligible for kindergarten the following school year.

(c) Summer programs may be provided for students at any grade levels selected by the district. The number of days and hours per day the program operates shall be determined by the district.

(d) Extended day or week programs may be provided before or after the regular school day or on Saturday.

(e) Districts may use funds allocated under §77.362 of this title (relating to Allotments for Operational Expenses) for operation of the program. Additional bilingual education funds will not be available to provide for such programs and students participating in such programs shall not be counted in determining the district's allocation. Funds may be used to provide salaries of instructional personnel, materials, transportation, or other instructional related costs. Such funds may not be used to provide recreational or other non-instructional activities. Districts that intend to use state funds to operate preschool, summer school, extended day or week programs shall complete the appropriate description and budget sections of the application for bilingual education funds submitted to the Texas Education Agency.

(f) Districts may join with other districts to provide programs or may contract with regional education service centers to serve as management agents to assist in providing cooperative programs among several districts.

§77.364 Pilot Programs.

Statutory Citation

Texas Education Code §21.454:

"(f) The State Board of Education shall establish a limited number of pilot programs for the purpose of examining alternative methods of instruction in bilingual education and special language programs.

"(g) Districts approved to establish pilot programs as required by subsection (f) of this section shall be allocated an amount per student which is equal to the amount per student allocated to districts with approved bilingual education programs as outlined in this subchapter."

Rule

(a) The commissioner of education shall establish from a minimum of 10 to a maximum of 20 structured pilot programs which operate and evaluate alternative types of special language programs. The purpose of these pilot programs shall be to identify approaches that are the most effective for developing English proficiency for limited English proficient students. The programs may be authorized for one, two, or more years based on the program to be piloted.

(b) The commissioner shall develop and disseminate information which sets out the specific approaches to be tested. The approaches may include, but need not be limited to, the following:

(1) concentrated English as a second language in varying time allotments and organizational structures;

(2) variations and refinements of language use in dual language programs at varying grade levels;

(3) English as a second language or bilingual education programs within regular classrooms;

(4) varying English as a second language structures for the elementary and secondary levels;

(5) tutoring in English; and

(6) parental participation in learning English.

(c) Programs approved shall include districts with varying characteristics such as the following:

(1) small, medium, and large concentrations of limited English proficient students;

(2) location in the various regions of the state; and

(3) districts that have difficulty employing sufficient numbers of bilingual education teachers.

(d) Each pilot program shall have a comprehensive evaluation design. Information to be gathered shall include the following:

(1) the degree of student progress in attaining English proficiency;

(2) achievement in English reading and English language arts and other academic subjects;

(3) indicators of social integration in the total school community; and

(4) others.

(e) A district applying for a pilot program shall submit an application on forms developed by the agency containing a description of the program, a budget, and an evaluation design. The budget may request funds based on the number of students in the program times the amount provided by law. Such funds may be expended on salaries for instructional personnel; materials or equipment, and related costs.

(f) Based on the results of the evaluation of pilot programs, the commissioner shall submit a report to the State Board of Education identifying the most successful approaches that are appropriate to be implemented in other school districts.

§77.365 Monitoring of Programs and Enforcing Law and State Board of Education Rules.

Statutory Citation

Texas Education Code §21.461:

"(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, pursuant to the policy of the state, the agency shall monitor school district compliance with state rules by inspecting each district on site at least every three years.

"(b) The areas to be monitored include:

(1) program content and design;

(2) program coverage;

(3) identification procedures;

(4) classification procedures;

(5) staffing;

(6) learning materials;

(7) testing materials;

(8) reclassification of students for either entry into regular classes conducted exclusively in English or for reentry into a bilingual education or special language program; and

(9) activities of the language proficiency assessment committee.

"(c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district and to the Division of Accreditation.

"(d) The agency shall notify a school district found to be in noncompliance in writing not later than the 30th day after the date of the on-site monitoring. The district shall take immediate corrective action.

"(e) If a school district fails to or refuses to comply after proper notification, the agency shall apply sanctions, which may include removal of accreditation, loss of foundation school funds, or both."

Rule

(a) Central Education Agency staff who are trained in assessing bilingual education, English as a second language, and other special language programs shall monitor on-site each school district in the state every three years. The commissioner of education shall develop a schedule annually which identifies the districts to be monitored. The commissioner may modify the schedule as necessary. To the extent possible, on-site visits will be made in conjunction with regular accreditation visits.

(b) A standard monitoring instrument shall be used as basis for each on-site visit. The instrument shall identify each requirement of law and State Board of Education rules. Indicators, such as required documentation or conditions to be observed, shall be specified as a basis for determining whether the district is fulfilling each requirement. Special attention will be directed to data that demonstrate that students are becoming proficient in the English language.

(c) The Central Education Agency shall determine through on-site monitoring whether the bilingual education, English as a second language or other special language program operates according to law and State Board of Education policy, and demonstrates success in increasing English language proficiency.

(1) The staff shall conduct campus and classroom visits to determine if the programs are being implemented in the grade levels required.

(2) The staff shall review the identification procedures used to establish if the district has:

(A) determined the home language of all students enrolled;

(B) determined the level of oral English proficiency of students in kindergarten through grade 12 and level of achievement in English on standardized tests for students in grades two through 12 who have a primary language other than English;

(C) determined the level of oral primary language proficiency for students kindergarten through grade 12; and

(D) maintained adequate records for subparagraphs (A) - (C) of this paragraph.

(3) The staff shall determine by examination of records if the district has appropriately classified students of limited English proficiency according to comparative language abilities in English and the primary language. Districts shall maintain records of the classification of each student of limited English proficiency.

(4) The staff shall determine the adequacy of staffing assignments and ensure that the teacher-pupil ratios in the programs do not exceed the maximum permitted.

(A) The staff shall determine through on-site monitoring if personnel assigned to the program are properly certified for the assignment.

(B) The staff shall determine the adequacy of the district's efforts to employ and assign appropriately certified personnel to implement the program.

(5) The staff shall determine whether learning materials provided each limited English proficient student are appropriate to the student's level of educational attainment. The materials used in the bilingual education programs shall allow the student to learn basic skills in his primary language and also provide for carefully structured and sequenced mastery of English language skills. The materials used in the English as a second language programs shall demonstrate a sequenced approach to listening, speaking, reading, and writing the English language.

(6) For purposes of the performance report required by the Texas Education Code, §21.258, the staff shall determine the appropriateness and accuracy of the district's use of tests and other assessment procedures to ensure that they accurately reflect academic progress of limited English proficiency students and the extent to which students are becoming proficient in English.

(7) The staff shall determine if the procedures used for reclassification of students as English proficient and procedures used for reassessment of students exited from the program to identify students who may need to re-enter bilingual and special language programs are consistent with State Board of Education rules.

(8) The staff shall determine, through examination of records and interviews with members of the language proficiency assessment committee, the qualifications and training provided members of the committee. The district shall have on file policy and procedures for the selection, appointment, and training of members of the campus language proficiency assessment committee.

(9) The staff shall determine the appropriateness of expenditures of bilingual and special language program funds.

(d) A preliminary monitoring report shall identify each discrepancy noted between the requirements of law and State Board of Education rules and the program operation. For each discrepancy, a recommended corrective action and date for completion shall be described. Districts shall be instructed to prepare specific corrective action responses and negotiate any problem areas directly with personnel of the Division of Bilingual Education. A copy of the report shall be filed with the Division of School Accreditation.

(e) If a school district has been cited as being in noncompliance, and has failed to proceed to remove variations or discrepancies within the time period specified, the commissioner of education shall take whatever action deemed appropriate under the Texas Education Code, §21.757, to modify the district's accreditation status.

(f) Central Education Agency staff who monitor on-site special language programs shall evaluate and report the progress, success, and cost-effectiveness of each of such programs.

§77.366 Performance Report.

All districts required to conduct a bilingual education or English as a second language program shall conduct periodic assessment and continuous diagnosis in the language of instruction for the purpose of completing an annual performance report. Districts shall report such information in a form required by the commissioner of education.

Adopted by the State Board of Education, July 1985 (emergency); October 1985 (permanent).

Attachment 2

Texas Education Agency

1701 NORTH CONGRESS AVENUE AUSTIN, TEXAS 78701-1494 (512) 463-9734

August 15, 1988

TO THE ADMINISTRATOR ADDRESSED

Attached is a copy of the current List of Approved Tests for Special Language Programs for use in accordance with 19TAC §77.356 Testing and Classification of Students.

A correction was made to add a test used to assess reading and language achievement levels in English which was inadvertently omitted. This corrected List of Approved Tests for Special Language Programs supercedes all others.

Questions concerning this list of approved tests should be addressed to the Division of Special Programs at (512) 463-9067.

Very truly yours,

Victoria Bergin

Victoria Bergin, Deputy Commissioner
for Curriculum and Program Development

TESTS TO BE USED TO ASSESS ORAL LANGUAGE PROFICIENCY LEVELS IN ENGLISH AND/OR SPANISH

TEST	LANGUAGES	SKILLS MEASURED	GRADE LEVELS	SCORE ON ENGLISH PORTION OF TEST INDICATING LIMITED ENGLISH PROFICIENCY
(1) Basic Inventory of Natural Language (BINL), 1983	English Spanish	Listening Speaking	K - 2	Below 50
			3 - 8	Below 75
			9 - 12	Below 100
(2) Bilingual Syntax Measure (BSM), 1975	English Spanish	Listening Speaking		
Level I			K - 2	Below 4
Level II			3 - 12	Below 5
(3) IDEA Oral Language Proficiency Test, 1985	English Spanish	Listening Speaking		
Level I			K Initial	Below Level C
			K Reclassification	Below Level D
			1	Below Level D
			2	Below Level E
			3-6	Below Level F
Level II			7-12	Below Level F
(4) Language Assessment Battery (LAB), 1982	English Spanish	Listening Speaking Reading Writing		
Level I			K - 2	Below 40th Percentile for Each Grade Level
Level II			3 - 5	
Level III			6 - 8	
Level IV			9 - 12	

TESTS TO BE USED TO ASSESS ORAL LANGUAGE PROFICIENCY LEVELS IN ENGLISH AND/OR SPANISH (continued)

TEST	LANGUAGES	SKILLS MEASURED	GRADE LEVELS	SCORE ON ENGLISH PORTION OF TEST INDICATING LIMITED ENGLISH PROFICIENCY
(5) Language Assessment Scales - Oral (LAS-O), 1985	English Spanish	Listening Speaking		
Level I			K - 5	Below 75
Level II			6 - 12	Below 82
(6) Language Assessment Scales, Reading And Writing (LAS-R/W), 1988 (Must be used in conjunction with Language Assessment Scales - Oral to determine Language Proficiency Index.)	English	Reading Writing	2 - 3 4 - 6 7 - 12	Composite scores between LAS-O and LAS-R/W will determine a Language Proficiency Index. See Examiner's Manual.
(7) Maculaitis Assessment Program (MAC), 1982	English	Listening Speaking Reading Writing	K - 1 2 - 3 4 - 5 6 - 8 9 - 12	Below 90th Percentile For Each Grade Level
(8) Pre-Language Assessment Scales (PreLAS), 1985	English Spanish	Listening Speaking	Pre K K	Below Level 4
(9) Secondary Level English Proficiency Test (SLEP), 1984	English	Listening Reading	7 - 12	Below 50

TESTS TO BE USED TO ASSESS READING AND LANGUAGE ACHIEVEMENT LEVELS IN ENGLISH

TEST/PUBLISHER

(1) California Achievement Test (CAT), 1977 - CTB/McGraw Hill

(2) California Achievement Test (CAT), 1985 - CTB/McGraw Hill

(3) American Testronics' Comprehensive Assessment Program Achievement Series, 1980 - American Testronics

(4) Comprehensive Test of Basic Skills (CTBS), 1981 - CTB/McGraw Hill;

(5) Iowa Test of Basic Skills (ITBS) and Test of Achievement and Proficiency (TAP), 1978 - Riverside Publishing Company

(6) Iowa Test of Basic Skills (ITBS) and Test of Achievement and Proficiency (TAP), 1985 - Riverside Publishing Company

(7) Metropolitan Achievement Test (MAT), Survey Battery, 1978 - The Psychological Corporation

(8) Metropolitan Achievement Test (MAT), Survey Battery, 1984 - The Psychological Corporation

(9) The Metropolitan Instructional Series, Reading Tests, 1978 - The Psychological Corporation

(10) The Metropolitan Instructional Series, Language Tests, 1978 - The Psychological Corporation

(11) National Test of Basic Skills, 1985 - American Testronics

(12) Science Research Associates Achievement Series , 1978 - Science Research Associates

(13) Science Research Associates Survey of Basic Skills, 1985 - Science Research Associates

(14) Stanford Diagnostic Reading Test (SDRT), 1984 - The Psychological Corporation

(15) Stanford Achievement Test (SAT) 7th Edition, 1982, 1987, and Stanford Test of Academic Skills (TASK) 7th Edition, 1982, 1987 - The Psychological Corporation

(16) Sequential Tests of Educational Progress (STEP III, Circus), 1979 - CTB/McGraw Hill

(17) The 3 R's Test, Achievement Edition, 1982 - Riverside Publishing Company

TESTS TO BE USED TO ASSESS ACADEMIC ACHIEVEMENT LEVELS IN SPANISH

TEST/PUBLISHER	GRADE LEVELS
(1) La Prueba Riverside de Realización en Español, 1984 - Riverside Publishing Company	K-8
(2) Comprehensive Test of Basic Skills, Spanish Edition (CTBS Español), 1978 -CTB/McGraw-Hill	1-8
(3) Inter-American Series Reading, 1983 - Guidance Testing Associates	1-12
(4) Spanish Assessment of Basic Education (SABE), 1987 - CTB/McGraw-Hill	1-8
(5) Brigance Assessment of Basic Skills, 1984 - Curriculum Associates	K-6
(6) Language Assessment Battery, 1982 - New York City Board of Education	K-12

STATE APPROVED STANDARDIZED ACHIEVEMENT TESTS
AUGUST 1988

STATE APPROVED STANDARDIZED ACHIEVEMENT TESTS IN ENGLISH
AUGUST 1988

TESTS	CONTACT FOR ORDERING	CONTENT QUESTIONS
• California Achievement Test, (CAT) 1977, 1985 • Comprehensive Test of Basic Skills (CTBS), 1981 • Sequential Test of Educational Progress (Step III, Circus), 1979	CTB/McGraw Hill *Customer Relations* Southern Regional Office 6400 Atlantic Blvd., Suite 130 Norcross, Georgia 30071 (404) 662-8482 *Ordering Service* 2500 Garden Rd. Monterey, California 93940 (800) 538-9547 (after 11:30 a.m.)	Jerry Stephens 9800 Westward Drive Austin, Texas 78734 (512) 263-9628
• American Testronics Comprehensive Assessment Program Achievement Series, 1980 • National Test of Basic Skills, 1985	American Testronics Roger Melton, Consultant 424 George Richey Longview, Texas 75605 *Regional Office* P. O. Box 2270 Iowa City, Iowa 52244 (800) 553-0030	(same)
• Iowa Test of Basic Skills (ITBS)/Test of Achievement and Proficiency (TAP), 1978, 1985 • The 3 R's Test, Achievement Edition, 1982	Riverside Publishing *Customer Relations* 8420 West Bryn Mawr Avenue Chicago, Illinois 60631 (800) 323-9541	Sandy Monhollen (800) 323-9540
• Metropolitan Instructional Series, Reading Tests, 1978 • Metropolitan Instructional Series, Language Tests, 1978 • Metropolitan Achievement Tests (MAT), Survey Battery, 1978, 1984 • Stanford Diagnostic Reading Test (SDRT), 1984 • Stanford Achievement Test (SAT) 7th Edition, 1982, 1987 • Stanford Test of Academic Skills 7th Edition, 1982, 1987	Psychological Corporation *Ordering Services* 555 Academic Court San Antonio, Texas (800) 228-0752 (512) 299-1061	William Speirs, Regional Manager Rt. 10, Box 29F New Braunfels, Texas 78130 (512) 438-3067 (512) 270-0304
• Science Research Associates (SRA) Achievement Test, 1978 • Science Research Associates Survey of Basic Skills, 1985	Science Research Associates *Ordering Services* 155 North Wacker Drive Chicago, Illinois 60606 (800) 621-0476	Litteen Knox (312) 984-7217 (800) 527-7714

STATE APPROVED ACADEMIC ACHIEVEMENT TESTS IN SPANISH
AUGUST 1988

TESTS	CONTACT FOR ORDERING	CONTENT QUESTIONS
• La Prueba Riverside de Realización en Español, 1984	*Customer Relations* Riverside Publishing 8420 Bryn Mawr Avenue Chicago, Illinois 60631 (800) 323-9540	Sandy Monhollen (800) 323-9540
• Comprehensive Test of Basic Skills, Spanish Edition (CTBS Español), 1978 • Spanish Assessment of Basic Education (SABE), 1987	CTB/McGraw-Hill 6400 Atlantic Blvd., Suite 130 Norcross, Georgia 30071 (800) 538-9547 (after 11:30 a.m.)	Jerry Stephens (512) 263-9628
• Inter-American Series Reading, 1983	Guidance Testing Associates P.O. Box 28096 San Antonio, Texas 78228 (512) 434060	Wilma M. Dolezal, Ph.D. (512) 434-4060
• Brigance Assessment of Basic Skills, 1984	Curriculum Associates 5 Esquire Road North Billerica, Mass. 01862-2569 (800) 225-0248/(617) 667-8000	Celia Goldman Regional Manager 6620 Robin Willow Ct. Dallas, Texas 75248 (214) 458-8640
• Language Assessment Battery (LAB), 1982 Version	Grace Bijou, New York City Board of Education OEA-Document Scan Center 49 Flatbush Avenue-Extension Brooklyn, New York 11201 (718) 935-3964	Muriel Abbott, Ph. New York City Board of Education 110 Livingston Street Room 507 Brooklyn, New York 11210 (718) 935-3777

STATE APPROVED ORAL LANGUAGE PROFICIENCY TESTS
AUGUST 1988

ORAL LANGUAGE PROFICIENCY TESTS	CONTACT FOR ORDERING	CONTENT QUESTIONS
• Basic Inventory of Natural Language (BINL), 1983	Charles Herbert Chec Point Systems Inc. 1520 North Waterman Ave., Suite C San Bernardino, California 92404 (714) 888-3296	(same)
• Bilingual Syntax Measure (BSM), 1978	*Ordering Services* Psychological Corporation 555 Academic Court San Antonio, Texas 78204 (512) 299-1061/(800) 228-0752	William Speirs Regional Manager (512) 270-0304
• IDEA Oral Language Proficiency Test (IDEA), 1985	Gilda Bazan-Lopez Consultant/Ballard & Tighe P.O. Box 740064 Houston, Texas 77272 (713) 242-2088	Ballard & Tighe Publishers 480 Atlas Street Brea, California 92621 (800) 321-IDEA (714) 990-IDEA
• Language Assessment Battery (LAB), 1982 Version	Grace Bijou, New York City Board of Education OEA-Document Scan Center 49 Flatbush Avenue-Extension Brooklyn, New York 11201 (718) 935-3964	Muriel Abbott, Ph.D. New York City Board of Education 110 Livingston Street Room 507 Brooklyn, New York 11210 (718) 935-3777
• Language Assessment Scales ORAL (LAS-O), 1985, or 1981 • PreLanguage Assessment Scales (PreLAS), 1986 • Language Assessment Scales, Reading and Writing (LAS-R/W), 1988	CTB-McGraw Hill *Customer Services* Southern Regional Offices 6400 Atlantic Blvd., Suite 130 Norcross, Georgia 30071 (404) 662-8424 *Ordering Address* 2500 Garden Rd. Monterey, California 93940 (800) 538-9547 (after 11:30 a.m.)	Jerry Stephens 9800 Westward Drive Austin, Texas 78734 (512) 263-9628
• Maculaitis (MAC), 1982	Roger E. Olsen Alemany Press 2501 Industrial Pkway West Hayward, California 94545 (415) 887-7070	(same)
• Secondary Level English Proficiency (SLEP), 1984	Education Testing Service *Order Service Section-ETS* CN 6158 Princeton, New Jersey 08541-6158 (609) 734-5235	Jackie Ross Association Program Director TOEFL Programs-12-P Princeton, New Jersey 80541 (609) 734-5235

TASP. TASP. TASP.

TEXAS ACADEMIC SKILLS PROGRAM TEST

A requirement for college:

assessment of your academic preparation

TASP. TASP. TASP.

What is the Texas Academic Skills Program (TASP)?

The TASP is an instructional program with a testing component which is designed to ensure that all students attending public colleges and universities in Texas have the reading, mathematics, and writing skills necessary to perform effectively in college-level coursework. Remedial activities will be required for those students who do not pass the TASP Test.

WHY DO STUDENTS HAVE TO TAKE THE TASP TEST?

In 1987, the Texas Legislature passed House Bill 2182 requiring students entering any Texas public community college or university in fall 1989 or later to take the TASP Test.

WHO MUST TAKE THE TASP TEST?

Any full-time or part-time student in a public community college or university in Texas **who has not earned at least three semester credit hours prior to fall 1989** must take the TASP Test. This includes a person who:

- Enrolls in a **college-level degree program.**
- Enters a **certificate program** that contains nine (9) or more semester credit hours (or the equivalent) of general education courses.
- **Transfers** from outside Texas or from a private Texas college or university.
- Is any other student in a Texas public college or university who is *not* exempt under the conditions listed below.
- Is seeking admission to a Texas upper-level institution or program that requires the TASP Test as a condition of admission.

Some persons must take the TASP Test for teacher education purposes. See "Basic Skills Testing for Teacher Education and Certification" later in this brochure. These persons must take the TASP Test regardless of the number of semester credit hours earned prior to fall 1989.

IS ANYONE EXEMPT FROM TAKING THE TASP TEST?

- **Yes**, persons are exempt if they are in a certificate program that contains fewer than nine (9) semester credit hours (or the equivalent) of general education courses; or
- **Yes**, if persons have earned at least three (3) semester credit hours of college-level work prior to fall 1989.

WHEN MUST STUDENTS TAKE THE TASP TEST?

Students must take the test **prior to accumulating nine (9) or more college-level semester credit hours** or the equivalent. If their college or university chooses to give freshman students a placement test immediately upon entry, those students then must take the TASP Test prior to the end of the semester in which they accumulate fifteen (15) or more college-level semester credit hours.

TASP™ TEXAS ACADEMIC SKILLS PROGRAM

- **May Students Continue To Enroll If They Have Not Taken the Test?**
  Students may not enroll in collegiate-level courses. Students may take non-credit remedial, developmental, or pre-collegiate courses. A student who does not take the test **within the first nine (9) hours of coursework** (or fifteen (15) hours if applicable) will not be permitted to enroll or re-enroll in any public community college or university in Texas in any courses other than non-credit remedial, developmental, or other pre-collegiate courses until the test has been taken.

WHAT IF A STUDENT DOES NOT PASS THE TASP TEST?

Any college or university student who does not pass all three sections (reading, mathematics, and writing) of the test **must participate continuously in a remediation program** in the subject area(s) not passed. Students may take other coursework while participating in remediation.

- **Can Students *Graduate* From A Certificate Program, an Associate Degree Program, or A Baccalaureate Degree Program If They Have Not Passed the Test?**
  No, a student must pass all three sections of the test in order to graduate.

- **Can Students *Enroll* In Upper-Division Courses If They Have Not Passed the Test?**
  If a student has accumulated sixty (60) semester credit hours or the equivalent, the student cannot enroll in upper-division courses until all three sections of the test have been passed. Students who have accumulated *fewer* than sixty (60) semester credit hours may enroll in upper-division courses upon the advice of their college or university even though they may not have passed the TASP Test yet.

- **Can Students *Retake* the Test?**
  Yes, students may retake the test as many times as needed. Only the section(s) of the test not passed must be retaken.

CAN A COLLEGE OR UNIVERSITY USE THE TEST AS AN ADMISSION REQUIREMENT?

No. Colleges or universities may not deny a student admission if the student has not passed the TASP Test. Those few institutions (for example, a health science center) which offer only upper-division (junior- or senior-level) courses may use the test for admissions purposes.

WHEN CAN HIGH SCHOOL STUDENTS TAKE THE TASP TEST?

High school students who **have passed all portions of the Texas Educational Assessment of Minimum Skills (TEAMS) Exit-Level Test** may take the TASP Test if they are either concurrently enrolled in a college or university course while attending high school or **have been admitted** to a Texas public community college or university. High school students who have not passed all portions of the Exit-Level TEAMS are not eligible to take the test. Students should check with their high school counselor or college academic advisor.

WHAT IS THE TASP TEST LIKE?

Each section is composed of approximately 40-50 multiple-choice test questions. The writing section also requires examinees to write an essay of about 300-600 words. Lists of the skills eligible to be measured on the test are contained in the registration bulletin and study guide.

The **reading** section consists of approximately ten to twelve reading selections of 300-750 words each. The student must answer several questions about each reading selection. **Mathematics** covers three general areas: fundamental mathematics, algebra, and geometry. The test questions focus on a student's ability to perform mathematical operations and solve problems. The **writing** section consists of two parts: a multiple-choice part and a writing sample (essay) part. The multiple-choice questions assess a student's ability to recognize various elements of effective writing. The writing sample part requires students to demonstrate the ability to communicate effectively in writing on a given topic.

WHAT IS THE COST OF THE TEST?

The registration fee is $24. Information about the cost is provided in the *TASP Test Registration Bulletin*.

HOW LONG DOES THE TASP TEST TAKE?

Generally, the test can be completed in four hours. If necessary, an additional hour will be provided. A student can use the time to take all three sections of the test, or to complete only one or two sections.

WHEN AND WHERE IS THE TEST ADMINISTERED?

The test is given **on Saturday mornings five times per year at about 100 test centers** throughout Texas. The first administration of the test is March 4, 1989. Test centers are usually located on college and university campuses, although other facilities may be used. Consult the *TASP Test Registration Bulletin* for exact information on test dates and registration deadlines.

HOW DOES A STUDENT REGISTER FOR THE TEST?

Forms and information for registering for the test are contained in the *TASP Test Registration Bulletin*, available from public colleges and universities and many school districts.

WHERE CAN STUDENTS GET MORE INFORMATION ABOUT THE TEST AND THE TESTING REQUIREMENT?

Students should obtain TASP information from their college or university academic advisor or high school counselor. The *TASP Test Registration Bulletin* contains official guidelines on issues related to the test.

WILL A STUDY GUIDE FOR THE TEST BE AVAILABLE?

Yes. *The Official TASP Test Study Guide* contains descriptions of the skills eligible to be measured on the test, instructional materials on each skill, sample test items, and other helpful information.

Copies of *The Official TASP Test Study Guide* are available (beginning in January 1989) in college and university libraries. The study guide also may be purchased for $12 plus $3 for shipping and handling. The registration bulletin contains information for ordering the study guide. In addition, the study guide can be ordered by using the order form below.

This is your mailing label.

Please type or print clearly.

Name

Address Apt. #

City State Zip Code

Order Form: *The Official TASP Test Study Guide*

Copies are $12.00 each plus $3.00 shipping and handling per book. Send check or money order ONLY payable to National Evaluation Systems. DO NOT SEND CASH. Payment must accompany order. Mail this form and payment to:

Official TASP Test Study Guide
P.O. Box 140347
Austin, TX 78714-0347

Available in January. Please allow 3 weeks for delivery.

TASP TEXAS ACADEMIC SKILLS PROGRAM

IS FINANCIAL ASSISTANCE AVAILABLE FOR TAKING THE TEST?

Yes. In some cases, financial assistance for taking the test may be available. Persons who might be eligible for assistance should contact the academic advisor or financial aid office at their college or university.

CAN SCORES FROM ANOTHER TEST (FOR EXAMPLE, EXIT-LEVEL TEAMS, SAT, ACT) BE USED INSTEAD OF THE TASP TEST?

No. Only scores from the TASP Test can be used to satisfy the testing requirement.

WHO SETS THE PASSING SCORES ON THE TEST?

The Texas Higher Education Coordinating Board and the State Board of Education set the passing scores for the TASP Test based upon recommendations from Texas educators.

Basic Skills Testing for Teacher Education and Certification

The TASP Test is also used for purposes other than those mandated by House Bill 2182.

- Teacher education students may not enroll in teacher education coursework beyond six (6) hours without having passed the test (TEC 13.032).
- Persons seeking teacher certification through an alternative certification program must pass the test prior to being admitted (19 TAC 141.481) to the program.
- Persons on an emergency teaching permit must pass the test before the permit can be renewed (19 TAC 141.294d).

Persons affected by one of these requirements should contact their academic advisor or the Texas Education Agency for complete information. The TASP Test replaces the Pre-Professional Skills Test (P-PST), previously used for these purposes. A student who has passed part of the P-PST, but not all sections, needs to pass only the section(s) of the TASP Test corresponding to the section(s) of the P-PST not passed. Until May 1, 1991, P-PST scores will be recognized for teacher education and certification purposes.

Published by the Texas Education Agency in conjunction with the Texas Higher Education Coordinating Board and National Evaluation Systems

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TEXAS ACADEMIC SKILLS PROGRAM (TASP)

TASP TEST: INFORMATION SUMMARY

Attachment 3

Texas Education Agency and Texas Higher Education Coordinating Board

Note: Some of the policies and rules listed herein are pending final adoption by the Texas Higher Education Coordinating Board and the State Board of Education and may be subject to change.

SEPTEMBER 1988

TEXAS ACADEMIC SKILLS PROGRAM

WHAT IS THE TEXAS ACADEMIC SKILLS PROGRAM (TASP)?

The TASP is an instructional program designed to ensure that all students attending public institutions of higher education in Texas have the reading, mathematics, and writing skills necessary to perform effectively in college-level coursework. The program was developed as a response to the growing evidence in Texas and other states that significant numbers of college students and graduates lack some of these basic academic skills.

The purpose of the TASP is to enrich the quality of higher education for Texas students. The TASP has five components: diagnostic testing, advisement, placement, remediation, and program evaluation. With this program, students who are under-prepared in reading, mathematics, or writing will be identified. To enable those students to benefit more fully from their higher education coursework, remedial activities will be offered to improve their levels of skills.

TASP Test

One component of the TASP is a test which assesses and provides some diagnostic information about the reading, mathematics, and writing skills of each student. In spring 1987, the Texas Legislature passed House Bill 2182 (HB 2182), which mandated the development of the TASP Test. HB 2182 also requires that all students entering institutions of higher education in Texas in fall 1989 or later take the TASP Test, and that each institution must offer remediation to any student not passing the test.

This publication presents an overview of various information relating to the TASP Test. Students should consult their academic advisor and the TASP Test Registration Bulletin for complete information.

(NOTE: The TASP Test is also used, beginning in spring 1989, to assess the reading, mathematics, and writing skills of students in teacher education programs in Texas (as required by TEC 13.032). For more information on the specific requirements for teacher education students, contact your academic advisor.)

WHO MUST TAKE THE TEST?

The requirements for taking the TASP Test apply to students who are entering or enrolled in a Texas public institution of higher education and to teacher education students at both public and private institutions in Texas.

Any person who is a full-time or part-time student who has not earned at least three semester credit hours prior to fall 1989 must take the TASP Test if any one of the conditions listed below applies:

- That person enrolls in a college-level degree program as a student;

- That person enters a certificate program that contains nine (9) or more semester credit hours or the equivalent of general education courses as defined by the Southern Association of Colleges and Schools;

- That person is any other student, including a student transferring from outside Texas or from a private Texas college or university;

- That person is a student seeking admission to a Texas upper-level institution or program that requires the TASP Test as a condition of admission.

A person must also take the TASP Test if he or she is a student seeking to enter a Texas-approved teacher education program, a person renewing a Texas emergency teaching permit, or a person seeking a Texas teacher certificate through an approved alternative certification program. This person must take the TASP Test regardless of the number of semester credit hours earned prior to fall 1989. (The TASP Test replaces the P-PST, previously used for these purposes. A person who has not passed a portion of the P-PST needs to pass only that section of the TASP Test. Until May 1, 1991, P-PST scores will be recognized for teacher education and certification purposes.)

A person is exempt from taking the TASP Test if:

- That person enters or is currently in a certificate program that contains fewer than nine (9) semester credit hours or the equivalent of general education courses as defined by the Southern Association of Colleges and Schools; and/or

- That person has earned at least three (3) semester credit hours of college-level work prior to fall 1989.

Individuals should contact the higher education institution they are attending or planning to attend about these policies.

WHEN MUST THESE STUDENTS TAKE THE TEST?

All full-time or part-time freshmen enrolled in certain certificate programs and all degree programs must take the TASP Test prior to gaining nine (9) or more college-level semester credit hours (or the equivalent). If their college or university chooses to give them a placement test immediately upon entry, those students are then required to take the TASP Test prior to the end of the semester in which they accumulate fifteen (15) or more college-level semester credit hours.

Any other student, including transfer students from private or out-of-state institutions, must take the TASP Test prior to the accumulation of nine or more college-level semester credit hours or the equivalent in a Texas public institution of higher education.

A student who does not take the test within the prescribed period of time will not be permitted to re-enroll at the institution (or to enroll in any other Texas public higher education institution) in any courses other than non-credit remedial, developmental, or other pre-collegiate courses until the test has been taken.

WHEN CAN STUDENTS WHO ARE IN HIGH SCHOOL TAKE THE TEST?

Individuals who are currently enrolled in a Texas high school may take the TASP Test only if:

- they have passed all portions of the Texas Educational Assessment of Minimum Skills (TEAMS) exit-level test;

  AND

- they are either concurrently enrolled in a college or university course while attending high school or have been accepted for future admittance by an institution of higher education.

Once a student has graduated, that student is eligible to take the TASP Test at any time.

WHAT IF A STUDENT DOES NOT PASS THE TEST?

Any college or university student who does not pass all three sections (reading, mathematics, and writing) of the TASP Test:

- must participate continuously in a remediation program in the subject area(s) not passed;

- may not enroll in any upper-division course the completion of which would give the student sixty (60) or more semester credit hours or the equivalent; and

- may not graduate from a certificate program having nine or more semester credit hours (or the equivalent) of general education coursework, an associate degree program, or a baccalaureate degree program.

(NOTE: A teacher education student may not enroll in teacher education courses beyond six hours without having satisfied the basic skills testing requirement. Individuals on emergency teaching permits must pass the test before a permit can be renewed, and persons seeking teacher certification through an alternative certification program must pass the test prior to being admitted.)

A student may retake the test as many times as needed. Only the section(s) of the test not passed must be retaken.

CAN AN INSTITUTION USE THE TASP TEST AS AN ADMISSION REQUIREMENT?

The law prohibits colleges or universities from using the successful completion of the TASP Test as a criterion for admission except in the case of those few institutions which, by law, offer only upper-division courses (i.e., junior- or senior-level coursework).

WHEN AND WHERE WILL THE TEST BE ADMINISTERED?

The TASP Test will be administered, beginning in March 1989, on Saturday mornings five times per year at about 100 test centers throughout Texas. Test centers will usually be located on college and university campuses, although other facilities (e.g., community auditoriums) may also be used.

The TASP Test Registration Bulletin contains exact information on test dates and registration deadlines.

WHAT IS THE COST OF THE TEST?

Information about the cost is provided in the TASP Test Registration Bulletin. The cost is $24.

IS FINANCIAL ASSISTANCE AVAILABLE FOR TAKING THE TEST?

In some cases, financial assistance for taking the test may be available. Individuals who might be eligible for this type of assistance should contact the academic advisor or financial aid office at their college or university.

HOW DOES A STUDENT REGISTER FOR THE TEST?

The TASP Test Registration Bulletin contains complete information and all forms needed for registering for the test. Beginning in late fall 1988, registration bulletins are available through all public colleges and universities and most school districts. An individual can also request a bulletin from National Evaluation Systems (NES), the test contractor for the TASP Test.

The TASP Test Registration Bulletin lists the deadlines for registering for each administration of the test. Deadlines for registering to take the TASP Test have been arranged to allow an individual a reasonable amount of time in which to register. **However, all registration deadlines as listed in the TASP Test Registration Bulletin are strictly followed and an extension of time beyond the registration deadline will not be made.**

An individual is encouraged to register as early as possible to take the test. Every effort will be made to test each examinee on the test date and at the test center desired; however, because of limitations on the number of test administrations and the amount of testing space available, some examinees may be tested at their second- or third-choice test center on their second-choice test date.

WHEN WILL STUDENTS RECEIVE THEIR TEST SCORES?

Scores will be mailed no later than five (5) weeks after the test is administered. (For the March 1989 administration only, test scores will be mailed approximately eleven (11) weeks after the test.)

WHO WILL RECEIVE A COPY OF THE TEST SCORES?

In addition to an examinee receiving his or her test scores, the scores are reported to the Texas Higher Education Coordinating Board (THECB) and the Texas Education Agency (TEA). Scores will also be reported, at the examinee's request, to Texas colleges and universities.

State law requires that institutions report, to the high school or community college last attended, each student's performance during the first year enrolled after graduation from high school. In addition to other student performance data, the annual report will include a student's TASP Test scores. This report from colleges and universities may aid high schools in evaluating and improving the effectiveness of their curriculum and instruction.

CAN SCORES FROM ANOTHER TEST (E.G., EXIT-LEVEL TEAMS, SAT, ACT) BE USED TO SATISFY THE REQUIREMENT OF HB 2182?

No, only scores from the TASP Test can be used to satisfy the testing requirement. The TASP Test has been validated as measuring the skills which students should have to perform effectively in college-level coursework in Texas. The use of the Texas Educational Assessment of Minimum Skills (TEAMS) exit-level test, for example, would be inappropriate because the TEAMS is designed to measure the minimum skills each student must have in order to graduate from high school, rather than the skills needed for effective college or university performance.

HOW WAS THE TASP TEST DEVELOPED?

The TASP Test was developed under the guidance of the THECB and the TEA. National Evaluation Systems, Inc., (NES) of Amherst, Massachusetts, was selected to develop and administer the TASP Test.

The test was developed with extensive input from Texas educators. Over 5,000 educators participated in the process through content-advisory, bias-review, standard-setting, and other committees, as well as through regional panels and statewide surveys. Recommendations from the various committees and other data are used as a basis by which the THECB and the State Board of Education (SBOE) select the skills to be measured on the test, set the passing scores, and make other program decisions.

HOW AND BY WHOM IS THE TASP TEST SCORED?

The test is scored by NES, the test contractor for the TASP Test. The multiple-choice test items are scored by a computer. Each examinee's essay is scored independently by two highly-trained readers. If there is a discrepancy between the scores of the two readers, a third "chief" reader scores the essay and resolves the disagreement.

WILL A STUDY GUIDE BE AVAILABLE?

The best preparation for the TASP Test, of course, is knowledge and skills gained through elementary- and secondary-school coursework in reading, mathematics, and writing. To supplement that preparation, The Official TASP Test Study Guide is being published by NES. It contains lists of the skills measured on the test, sample test items, and other helpful information.

WHERE CAN STUDENTS GET MORE INFORMATION ABOUT THE TASP TEST AND THE TESTING REQUIREMENT?

TASP information can be obtained from their academic advisor (high school or college counselor). Students should consult the TASP Test Registration Bulletin for information on issues related to the TASP Test, including how to order the The Official TASP Test Study Guide. In addition to higher education institutions and school districts, the TASP Test Registration Bulletin can be ordered (beginning in winter 1988) from:

Texas Academic Skills Program
National Evaluation Systems, Inc.
P. O. Box 140347
Austin, TX 78714-0347

For questions about TASP Test policies and general administration issues, contact:

Texas Higher Education Coordinating Board
University and Health Affairs Division
P. O. Box 12780
Austin, TX 78711
(512) 462-6485

Texas Education Agency
Division of Teacher Assessment
1701 North Congress Avenue
Austin, TX 78701
(512) 463-9525

WHAT ARE THE CHARACTERISTICS OF THE TASP TEST?

The TASP Test provides a comparison of the skill levels of an individual student with the skill levels students should have to perform effectively in an undergraduate degree program. Each section (reading, mathematics, and writing) is comprised of approximately 40 to 50 multiple-choice test questions having four response options. In addition to multiple-choice questions, the writing section requires examinees to write an essay of about 300-600 words.

The test is designed so that most students should be able to finish all three sections within four (4) hours. However, an additional hour beyond four hours is provided if needed. A student can use the time available to finish all three sections of the test, or to complete only one or two sections.

The Texas Higher Education Coordinating Board (THECB) and the State Board of Education (SBOE) set the passing scores for the TASP Test based upon recommendations from Texas educators. The two Boards review the passing scores periodically.

TASP Test score reports indicate how an examinee performed on each of the three sections of the test, as well as by skill subareas within each section. If an examinee does not pass the essay portion of the writing section, the score report also provides an analytical evaluation of the types of errors the examinee made in the essay.

WHAT SKILLS ARE MEASURED ON THE TASP TEST?

Each section (reading, mathematics, and writing) of the TASP Test is defined by a list of broadly-stated academic skills. The academic skills for each section of the test have been reviewed and judged appropriate by thousands of Texas college and university faculty, the Texas Higher Education Coordinating Board (THECB), and the State Board of Education (SBOE). The skills represent the knowledge students in Texas must have if they are to perform effectively in an undergraduate degree program.

The THECB and the SBOE have adopted the skills listed below. Each skill is accompanied by a brief description of how the skill may be assessed on the test.

READING SKILLS

General Description: The reading section of the TASP Test consists of approximately ten to twelve reading selections of 300 to 750 words each. The selections represent a variety of subject areas and are similar to reading materials (e.g., textbooks, manuals) that a student is likely to encounter during the first year of college. The student will be asked to answer several multiple-choice questions about each reading selection.

Skill Descriptions: The reading section is based on the skills listed below.

Skill: Determine the meaning of words and phrases.

Description: Includes using the context of a passage to determine the meaning of words with multiple meanings, unfamiliar and uncommon words and phrases, and figurative expressions.

Skill: Understand the main idea and supporting details in written material.

Description: Includes identifying explicit and implicit main ideas and recognizing ideas that support, illustrate, or elaborate the main idea of a passage.

Skill: Identify a writer's purpose, point of view, and intended meaning.

Description: Includes recognizing a writer's expressed or implied purpose for writing; evaluating the appropriateness of written material for various purposes or audiences; recognizing the likely effect on an audience of a writer's choice of words; and using the content, word choice, and phrasing of a passage to determine a writer's opinion or point of view.

Skill: Analyze the relationship among ideas in written material.

Description: Includes identifying the sequence of events or steps, identifying cause-effect relationships, analyzing relationships between ideas in opposition, identifying solutions to problems, and drawing conclusions inductively and deductively from information stated or implied in a passage.

Skill: Use critical reasoning skills to evaluate written material.

Description: Includes evaluating the stated or implied assumptions on which the validity of a writer's argument depends; judging the relevance or importance of facts, examples, or graphic data to a writer's argument; evaluating the logic of a writer's argument; evaluating the validity of analogies; distinguishing between fact and opinion; and assessing the credibility or objectivity of the writer or source of written material.

Skill: Apply study skills to reading assignments.

Description: Includes organizing and summarizing information for study purposes; following written instructions or directions; and interpreting information presented in charts, graphs, or tables.

MATHEMATICS SKILLS

General Description: The mathematics section of the TASP Test consists of approximately 50 multiple-choice questions covering three general areas: fundamental mathematics, algebra, and geometry. The test questions focus on a student's ability to perform mathematical operations and solve problems. Appropriate formulas will be provided to help the student perform some of the calculations required by the test questions.

Skill Descriptions: The mathematics section is based on the skills listed below.

Fundamental Mathematics

Skill: Use number concepts and computation skills.

Description: Includes adding, subtracting, multiplying, and dividing fractions, decimals, and integers; using the order of operations to solve problems; solving problems involving percents; performing calculations using exponents and scientific notation; estimating solutions to problems; and using the concepts of "less than" and "greater than."

Skill: Solve word problems involving integers, fractions, or decimals (including percents, ratios, and proportions).

Description: Includes determining the appropriate operations to solve word problems and solving word problems involving integers, fractions, decimals, percents, ratios, and proportions.

Skill: Interpret information from a graph, table, or chart.

Description: Includes interpreting information in line graphs, bar graphs, pie graphs, pictographs, tables, charts, or graphs of functions.

Algebra

Skill: Graph numbers or number relationships.

Description: Includes identifying points from their coordinates, the coordinates of points, or graphs of sets of ordered pairs; identifying the graphs of equations or inequalities; finding the slopes and intercepts of lines; and recognizing direct and inverse variation presented graphically.

Skill: Solve one- and two-variable equations.

Description: Includes finding the value of the unknown in one-variable equations, expressing one variable in terms of a second variable in two-variable equations, and solving a system of two linear equations in two variables.

Skill: Solve word problems involving one and two variables.

Description: Includes solving word problems that can be translated into one-variable linear equations or systems of two-variable linear equations and identifying the equation or equations that correctly represent the mathematical relationship(s) in word problems.

Skill: Understand operations with algebraic expressions.

Description: Includes factoring quadratics and polynomials; adding, subtracting, and multiplying polynomial expressions; and performing basic operations on and simplifying rational expressions.

Skill: Solve problems involving quadratic equations.

Description: Includes graphing quadratic equations, solving word problems involving quadratics, identifying the algebraic equivalent of stated relationships, and solving quadratic equations.

Geometry

Skill: Solve problems involving geometric figures.

Description: Includes identifying the appropriate formula for solving geometric problems, solving problems involving two- and three-dimensional geometric figures, and solving problems involving right triangles using the Pythagorean theorem.

Skill: Apply reasoning skills.

Description: Includes drawing conclusions using the principles of similarity, congruence, parallelism, and perpendicularity; and using inductive and deductive reasoning.

WRITING SKILLS

General Description: The writing section of the TASP Test consists of two parts: a multiple-choice part and a writing sample (essay) part. The multiple-choice part will include approximately 40 questions assessing a student's ability to recognize various elements of effective writing. The writing sample part will require the student to demonstrate the ability to communicate effectively in writing on a given topic.

Skill Descriptions -- Multiple-Choice Part: The multiple-choice part of the writing section is based on the skills listed below.

(Please note that the term "standard" as used below refers to language use that conforms to the conventions of edited American English.)

Elements of Composition

Skill: Recognize purpose and audience.

Description: Includes recognizing the appropriate purpose, audience, or occasion for a piece of writing; and recognizing writing that is appropriate for various purposes, audiences, or occasions.

Skill: Recognize unity, focus, and development in writing.

Description: Includes recognizing unnecessary shifts in point of view or distracting details that impair the development of the main idea in a piece of writing and recognizing revisions that improve the unity and focus of a piece of writing.

Skill: Recognize effective organization in writing.

Description: Includes recognizing methods of paragraph organization and the appropriate use of transitional words or phrases to convey text structure, and reorganizing sentences to improve cohesion and the effective sequence of ideas.

Sentence Structure, Usage, and Mechanics

Skill: Recognize effective sentences.

Description: Includes recognizing ineffective repetition and inefficiency in sentence construction; identifying sentence fragments and run-on sentences; identifying standard subject-verb agreement; identifying standard placement of modifiers, parallel structure, and use of negatives in sentence formation; and recognizing imprecise and inappropriate word choice.

Skill: Recognize edited American English usage.

Description: Includes recognizing the standard use of verb forms and pronouns; recognizing the standard formation and use of adverbs, adjectives, comparatives, superlatives, and plural and possessive forms of nouns; and recognizing standard punctuation.

Skill Descriptions -- Writing Sample Part: The writing sample part of the TASP Test consists of one writing assignment. The student is asked to prepare an essay of about 300 to 600 words on an assigned topic. The student's writing sample is scored on the basis of how effectively the student communicates a whole message to a specified audience for a stated purpose. The following characteristics are considered in scoring the writing sample.

- APPROPRIATENESS -- the extent to which the student addresses the topic and uses language and style appropriate to the given audience, purpose, and occasion.
- UNITY AND FOCUS -- the clarity with which the student states and maintains a main idea or point of view.
- DEVELOPMENT -- the amount, depth, and specificity of supporting detail the student provides.

- ORGANIZATION -- the clarity of the student's writing and the logical sequence of the student's ideas.

- SENTENCE STRUCTURE -- the effectiveness of the student's sentence structure and the extent to which the student's writing is free of errors in sentence structure.

- USAGE -- the extent to which the student's writing is free of errors in usage and shows care and precision in word choice.

- MECHANICAL CONVENTIONS -- the student's ability to spell common words and use the conventions of capitalization and punctuation.

§ 51.306. Testing and Remedial Coursework

(a) In this section, "board" and "institution of higher education" have the meanings assigned by Section 61.003 of this code.

(b) All students in the following categories who enter public institutions of higher education in the fall of 1989 and thereafter must be tested for reading, writing, and mathematics skills:

(1) all full-time and part-time freshmen enrolled in a certificate or degree program;

(2) any other student, prior to the accumulation of nine or more semester credit hours or the equivalent; and

(3) any transfer student with fewer than 60 semester credit hours or the equivalent who has not previously taken the tests.

For that purpose, the institution shall use a test instrument prescribed by the board. The same instrument shall be used at all public institutions of higher education.

(c) The test instrument adopted by the board must be of a diagnostic nature and be designed to provide a comparison of the skill level of the individual student with the skill level necessary for a student to perform effectively in an undergraduate degree program. In developing the test, the board shall consider the recommendations of faculty from various institutions of higher education.

(d) An institution may not use performance on the test as a condition of admission into the institution.

(e) The board shall prescribe minimum performance standards for the test instrument. A student whose performance is below the standard for tested skill must participate in a remediation program. An institution may require higher performance standards.

(f) If the test results indicate that remedial education is necessary in any area tested, the institution shall refer the student to remedial courses or other remedial programs made available by the institution. Each institution shall make available those courses and programs on the same campus at which the student would otherwise attend classes. The courses or programs may not be considered as credit toward completion of degree requirements.

(g) A student may not enroll in any upper division course completion of which would give the student 60 or more semester credit hours or the equivalent until the student's test results meet or exceed the minimum standards in all test scores. The board shall establish other assessment procedures to be used by institutions in exceptional cases to allow a student to enroll in upper division courses in cases where student test results do not meet minimum standards.

(h) The state shall continue to fund approved nondegree credit remedial courses. Additionally, the board shall develop formulas to augment institutional funding of other remedial academic programs. The additional funding required under such formulas shall be met by state appropriation for fiscal years 1990–1991 and thereafter.

(i) Each institution shall establish an advising program to advise students at every level of courses and degree options that are appropriate for the individual student.

(j) The unit costs of each test shall be borne by the student. Costs of administering the tests to students shown to be financially needy under criteria established by the board shall be borne by the state through appropriation to the board for that purpose or other sources of funds. Additionally, appropriation shall be made to the board to cover overall administrative costs of the testing program.

(k) Each institution shall report annually to the board, on or before a day set by rule of the board, concerning the results of the students being tested and the effectiveness of the institution's remedial program and advising program. The report shall identify by name the high school from which each tested student graduated and a statement as to whether or not the student's performance was above or below the standard. For the purposes of this report, students shall not be identified by name.

Added by Acts 1987, 70th Leg., ch. 807, § 1, eff. Aug. 31, 1987.

1987 Legislation

Section 2 of the 1987 Act provides:

"The test required by this Act shall be administered to students beginning with those students entering institutions of higher education for the first time no later than the fall semester 1989."

§ 51.403. Reports of Student Enrollment and Academic Performance

(a) All higher education institutions of this state shall offer only such courses and teach such classes as are economically justified in the considered judgment of the appropriate governing board.

(b) After the end of each spring semester the chief executive officer of each institution shall provide its governing board a report for the preceding fall and spring semesters indicating for each instructor the number of students enrolled in each class, the number of semester-credit hours accrued to each course, the course number and title, the department in which the course is offered, and the identity and academic rank of the instructor.

(c) A report prepared under Subsection (b) of this section must compare student enrollments in each class on the last day of each semester with enrollments at the beginning of that semester.

(d) Each institution shall file with its governing board and the coordinating board a small class report, excluding individual instruction courses, indicating department, course number, title of course, and the name of the instructor. "Small classes," for the purpose of this report, are undergraduate-level courses with less than 10 registrations, and graduate-level courses with less than 5 registrations. No small classes shall be offered in any institution except as authorized by the appropriate governing board, within the guidelines established by the Coordinating Board.

(e) Under guidelines established by the Coordinating Board, Texas College and University System, and the State Board of Education, postsecondary institutions shall report student performance during the first year enrolled after graduation from high school to the high school or junior college last attended. This report shall include, but not be limited to, appropriate student test scores, a description of developmental courses required, and the student's grade point average. Appropriate safeguards for student privacy shall be included in the rules for implementation of this subsection.

Amended by Acts 1987, 70th Leg., ch. 665, § 2, eff. Aug. 31, 1987.

1987 Legislation

The 1987 amendment, in the heading, added "and Academic Performance" and added subsec. (e).

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